

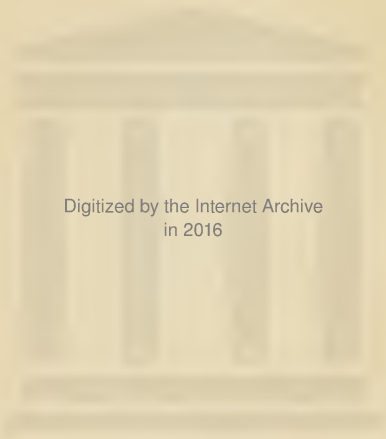
GREEN'S HISTORY
OF THE
ENGLISH PEOPLE



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A HISTORY OF THE ENGLISH PEOPLE

BY JOHN RICHARD GREEN, M.A.

COMPLETE IN TEN VOLUMES



VOLUME II

1214-1307

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THE ENGLISH PEOPLE.

BOOK III.

THE CHARTER.

1204-1291.

AUTHORITIES FOR BOOK III.

155. A CHRONICLE drawn up at the monastery of Barnwell near Cambridge, and which has been embodied in the "Memoriale" of Walter of Coventry, gives us a contemporary account of the period from 1201 to 1225. We possess another contemporary annalist for the same period in Roger of Wendover, the first of the published chroniclers of St. Albans, whose work extends to 1235. Though full of detail, Roger is inaccurate, and he has strong royal and ecclesiastical sympathies; but his chronicle was subsequently revised in a more patriotic sense by another monk of the same abbey, Matthew Paris, and continued in the "Greater Chronicle" of the latter.

156. Matthew has left a parallel but shorter account of the time in his "Historia Anglorum" (from the conquest to 1253). He is the last of the great chroniclers of his house; for the chronicles of Rishanger, his successor at St. Albans, and of the obscurer annalists who worked on that abbey till the Wars of the Roses, are little save scant and lifeless jottings of events which become more and more

local as time goes on. The annals of the abbey of Waverley, Dunstable, and Burton, which have been published in the "*Annales Monastici*" of the Rolls Series add important details for the reigns of John and Henry III. Those of Melrose, Osney, and Lanercost help us in the close of the latter reign, where help is especially welcome. For the Baron's war we have besides these the royalist chronicle of Wykes, Rishanger's fragment published by the Camden Society, and a chronicle of Bartholomew de Cotton, which is contemporary from 1264 to 1298. Where the chronicles fail, however, the public documents of the realm become of high importance. The "*Royal Letters*" (1216-1272) which have been printed from the Patent Rolls by Professor Shirley (Rolls Series) throw great light on Henry's politics.

157. Our municipal history during this period is fully represented by that of London. For the general history of the capital the Rolls Series has given us its "*Liber Albus*" and "*Liber Custumarum*," while a vivid account of its communal revolution is to be found in the "*Liber de Antiquis Legibus*" published by the Camden Society. A store of documents will be found in the Charter Rolls published by the Record Commission, in Brady's work on "*English Boroughs*," and in the "*Ordinances of English Guilds*," published with a remarkable preface from the pen of Dr. Brentano by the Early English Text Society. For our religious and intellectual history materials now become abundant. Grosseteste's Letters throw light on the state of the church and its relations with Rome; those of Adam

Marsh give us interesting details of Earl Simon's relation to the religious movement of his day; and Eccleston's tract on the arrival of the friars is embodied in the "*Monumenta Franciscana*." For the universities we have the collection of materials edited by Mr. Anstey under the name of "*Munimenta Academica*."

158. With the close of Henry's reign our directly historic materials become scantier and scantier. The monastic annals we have before mentioned are supplemented by the jejune entries of Trivet and Murimuth, by the "*Annales Angliæ et Scotiæ*," by Rishanger's Chronicle, his "*Gesta Edwardi Primi*," and three fragments of his annals (all published in the Rolls Series). The portion of the so-called "*Walsingham's History*" which relates to this period is now attributed by Mr. Riley to Rishanger's hand. For the wars in the north and in the west we have no records from the side of the conquered. The social and physical state of Wales, indeed is illustrated by the "*Itinerarium*" which Gerald du Barri drew up in the twelfth century, but Scotland has no contemporary chronicles for this period; the jingling rhymes of Blind Harry are 200 years later than his hero, Wallace. We possess, however, a copious collection of state papers, in the "*Rotuli Scotiæ*," the "*Documents and Records Illustrative of the History of Scotland*" which were edited by Sir F. Palgrave, as well as in Rymer's *Fœdera*. For the history of our Parliament the most noteworthy materials have been collected by Professor Stubbs in his *Select Charters*, and he has added to them a short

treatise called "*Modus Tenendi Parliamenta*," which may be taken as a fair account of its actual state and powers in the fourteenth century.

CHAPTER I.

JOHN.

1214-1216.

159. THE loss of Normandy did more than drive John from the foreign dominions of his race; it set him face to face with England itself. England was no longer a distant treasure-house from which gold could be drawn for wars along the Epte or the Loire, no longer a possession to be kept in order by wise ministers and by flying visits from its foreign king. Henceforth it was his home. It was to be ruled by his personal and continuous rule. People and sovereign were to know each other, to be brought into contact with each other as they had never been brought since the conquest of the Norman. The change in the attitude of the king was the more momentous that it took place at a time when the attitude of the country itself was rapidly changing. The Norman conquest had given a new aspect to the land. A foreign king ruled it through foreign ministers. Foreign nobles were quartered in every manor. A military organization of the country changed while it simplified the holding of every estate. Huge castles of white stone bridled town and country; huge stone minsters told how the

Norman had bridled even the church. But the change was in great measure an external one. The real life of the nation was little affected by the shock of the conquest. English institutions—the local, judicial, and administrative forms of the country—were the same as of old. Like the English tongue they remained practically unaltered. For a century after the conquest only a few new words crept in from the language of the conquerors; and so entirely did the spoken tongue of the nation at large remain unchanged that William himself tried to learn it, that he might administer justice to his subjects. Even English literature, banished as it was from the court of the stranger and exposed to the fashionable rivalry of Latin scholars, survived not only in religious works, in poetic paraphrases of gospels and psalms, but in the great monument of our prose, the English Chronicle. It was not till the miserable reign of Stephen that the Chronicle died out in the Abbey of Peterborough. But the “Sayings of Ælfred” show a native literature going on through the reign of Henry the Second, and the appearance of a great work of English verse coincides, in point of time, with the return of John to his island realm. “There was a priest in the land whose name was Layamon; he was the son of Leovenath; may the Lord be gracious to him! He dwelt at Earnley, a noble church on the bank of Severn (good it seemed to him!) near Radstone, where he read books. It came to mind to him, and in his chiefest thought, that he would tell the noble deeds of England, what the men were named and

whence they came who first had English land." Journeying far and wide over the country, the priest of Earnley found Bæda and Wace, the books too of St. Albin and St. Austin. "Layamon laid down these books and turned the leaves; he beheld them lovingly; may the Lord be gracious to him! Pen he took with finger and wrote a book-skin, and the true words set together, and compressed the three books into one." Layamon's church is now that of Areley, near Bewdley in Worcestershire; his poem was in fact an expansion of Wace's "*Brut*," with insertions from Bæda. Historically it is worthless; but as a monument of our language it is beyond all price. In more than 30,000 lines not more than fifty Norman words are to be found. Even the old poetic tradition remains the same. The alliterative meter of the earlier verse is still only slightly affected by rhyming terminations; the similes are the few natural similes of Cædmon; the battle-scenes are painted with the same rough, simple joy.

160. Instead of crushing England indeed the conquest did more than any event that had gone before to build up an English people. All local distinctions, the distinction of Saxon from Mercian, of both from Northumbrian, died away beneath the common pressure of the stranger. The conquest was hardly over when we see the rise of a new national feeling, of a new patriotism. In his quiet cell at Worcester the monk Florence strives to palliate, by excuses of treason or the weakness of rulers, the defeats of Englishmen by the Danes. Ælfred, the great name of the English past, gathers round him

a legendary worship, and the "Sayings of Ælfred" embody the ideal of an English king. We see the new vigor drawn from this deeper consciousness of national unity in a national action which began as soon as the conquest had given place to strife among the conquerors. A common hostility to the conquering baronage gave the nation leaders in its foreign sovereigns, and the sword which had been sheathed at Senlac was drawn for triumphs which avenged it. It was under William the Red that English soldiers shouted scorn at the Norman barons who surrendered at Rochester. It was under Henry the First that an English army faced Duke Robert and his foreign knighthood when they landed for a fresh invasion, "not fearing the Normans." It was under the same great king that Englishmen conquered Normandy in turn on the field of Tenchebray. This overthrow of the conquering baronage, this union of the conquered with the king, brought about the fusion of the conquerors in the general body of the English people. As early as the days of Henry the Second the descendants of Norman and Englishman had become indistinguishable. Both found a bond in a common English feeling and English patriotism; in a common hatred of the Angevin and Poitevin "foreigners" who streamed into England in the wake of Henry and his sons. Both had profited by the stern discipline of the Norman rule. The wretched reign of Stephen alone broke the long peace, a peace without parallel elsewhere, which in England stretched from the settlement of the conquest to the return of John.

Of her kings' forays along Norman or Aquitanian borders England heard little; she cared less. Even Richard's crusade woke little interest in his island realm. What England saw in her kings was "the good peace they made in the land." And with peace came a stern but equitable rule, judicial and administrative reforms that carried order and justice to every corner of the land, a wealth that grew steadily in spite of heavy taxation, an immense outburst of material and intellectual activity.

161. It was with a new English people, therefore, that John found himself face to face. The nation which he fronted was a nation quickened with a new life and throbbing with a new energy. Not least among the signs of this energy was the upgrowth of our universities. The establishment of the great schools which bore this name was everywhere throughout Europe a special mark of the impulse which Christendom gained from the Crusades. A new fervor of study sprang up in the West from its contact with the more cultured East. Travelers like Adelard of Bath brought back the first rudiments of physical and mathematical science from the schools of Cordova or Bagdad. In the twelfth century a classical revival restored Cæsar and Virgil to the list of monastic studies, and left its stamp on the pedantic style, the profuse classical quotations of writers like William of Malmesbury or John of Salisbury. The scholastic philosophy sprang up in the schools of Paris. The Roman law was revived by the imperialist doctors of Bologna. The long mental inactivity of feudal Europe broke up

like ice before a summer's sun. Wandering teachers such as Lanfranc or Anselm crossed sea and land to spread the new power of knowledge. The same spirit of restlessness, of inquiry, of impatience with the older traditions of mankind, either local or intellectual, that drove half Christendom to the tomb of its Lord crowded the roads with thousands of young scholars hurrying to the chosen seats where teachers were gathered together. A new power sprang up in the midst of a world which had till now recognized no power but that of sheer brute force. Poor as they were, sometimes even of servile race, the wandering scholars who lectured in every cloister were hailed as "masters" by the crowds at their feet. Abelard was a foe worthy of the threats of councils, of the thunders of the church. The teaching of a single Lombard was of note enough in England to draw down the prohibition of a king.

162. Vacarius was probably a guest in the court of Archbishop Theobald, where Thomas of London and John of Salisbury were already busy with the study of the civil law. But when he opened lectures on it at Oxford he was at once silenced by Stephen, who was at that moment at war with the church and jealous of the power which the wreck of the royal authority was throwing into Theobald's hands. At this time Oxford stood in the first rank among English towns. Its town church of St. Martin rose from the midst of a huddled group of houses, girded in with massive walls, that lay along the dry upper ground of a low peninsula between the streams of Cherwell and the Thames. The

ground fell gently on either side, eastward and westward, to these rivers; while on the south a sharper descent led down across swampy meadows to the ford from which the town drew its name and to the bridge that succeeded it. Around lay a wild forest country, moors such as Cowley and Bullingdon fringing the course of Thames, great woods of which Shotover and Bagley are the relics closing the horizon to the south and east. Though the two huge towers of its Norman castle marked the strategic importance of Oxford as commanding the river valley along which the commerce of Southern England mainly flowed, its walls formed the least element in the town's military strength, for on every side but the north it was guarded by the swampy meadows along Cherwell or by an intricate network of streams into which the Thames breaks among the meadows of Osney. From the midst of these meadows rose a mitered abbey of Austin canons, which, with the older priory of St. Frideswide, gave Oxford some ecclesiastical dignity. The residence of the Norman house of the D'Oillis within its castle, the frequent visits of English kings to a palace without its walls, the presence again and again of important parliaments, marked its political weight within the realm. The settlement of one of the wealthiest among the English Jewries in the very heart of the town indicated, while it promoted, the activity of its trade. No place better illustrates the transformation of the land in the hands of its Norman masters. the sudden outburst of industrial effort, the sudden expansion of commerce and ac-

cumulation of wealth which followed the conquest. To the west of the town rose one of the stateliest of English castles, and in the meadows beneath the hardly less stately abbey of Osney. In the fields to the north the last of the Norman kings raised his palace of Beaumont. In the southern quarter of the city the canons of St. Frideswide reared the church which still exists as the diocesan cathedral, while the piety of the Norman Castellans rebuilt almost all its parish churches and founded within their new castle walls the church of the canons of St. George.

163. We know nothing of the causes which drew students and teachers within the walls of Oxford. It is possible that here as elsewhere a new teacher quickened older educational foundations, and that the cloisters of Osney and St. Frideswide already possessed schools which burst into a larger life under the impulse of Vacarius. As yet, however, the fortunes of the university were obscured by the glories of Paris. English scholars gathered in thousands round the chairs of William of Champeaux or Abelard. The English took their place as one of the "nations" of the French University. John of Salisbury became famous as one of the Parisian teachers. Thomas of London wandered to Paris from his school at Merton. But, through the peaceful reign of Henry the Second, Oxford quietly grew in numbers and repute, and forty years after the visit of Vacarius its educational position was fully established. When Gerald of Wales read his amusing *Topography of Ireland* to its students, the most

learned and famous of the English clergy were to be found within its walls. At the opening of the thirteenth century Oxford stood without a rival in its own country, while in European celebrity it took rank with the greatest schools of the western world. But to realize this Oxford of the past we must dismiss from our minds all recollections of the Oxford of the present. In the outer look of the new university there was nothing of the pomp that overawes the freshman as he first paces the "High" or looks down from the gallery of St. Mary's. In the stead of long fronts of venerable colleges, of stately walks beneath immemorial elms, history plunges us into the mean and filthy lanes of a mediæval town. Thousands of boys, huddled in bare lodging-houses, clustering round teachers as poor as themselves in church porch and house porch, drinking, quarreling, dicing, begging at the corners of the streets, take the place of the brightly colored train of doctors and heads. Mayor and chancellor struggled in vain to enforce order or peace on this seething mass of turbulent life. The retainers who followed their young lords to the university fought out the feuds of their houses in the streets. Scholars from Kent and scholars from Scotland waged the bitter struggle of north and south. At nightfall roysterer and reveler roamed with torches through the narrow lanes, defying bailiffs, and cutting down burghers at their doors. Now a mob of clerks plunged into the Jewry and wiped off the memory of bills and bonds by sacking a Hebrew house or two. Now a tavern squabble between scholar and townsman widened

into a general broil, and the academical bell of St. Mary's vied with the town bell of St. Martin's in clanging to arms. Every phase of ecclesiastical controversy or political strife was preluded by some fierce outbreak in this turbulent, surging mob. When England growled at the exactions of the papacy in the years that were to follow, the students besieged a legate in the abbot's house at Osney. A murderous town and gown row preceded the opening of the Barons' War. "When Oxford draws knife," ran an old rhyme, "England's soon at strife."

164. But the turbulence and stir was a stir and turbulence of life. A keen thirst for knowledge, a passionate poetry of devotion, gathered thousands round the poorest scholar and welcomed the barefoot friar. Edmund Rich—Archbishop of Canterbury and saint in later days—came, about the time we have reached, to Oxford, a boy of twelve years old, from a little lane at Abingdon that still bears his name. He found his school in an inn that belonged to the Abbey of Eynsham, where his father had taken refuge from the world. His mother was a pious woman of the day, too poor to give her boy much outfit besides the hair-shirt that he promised to wear every Wednesday; but Edmund was no poorer than his neighbors. He plunged at once into the nobler life of the place, its ardor for knowledge, its mystical piety. "Secretly," perhaps at eventide, when the shadows were gathering in the Church of St. Mary and the crowd of teachers and students had left its aisles, the boy stood before an image of the

Virgin, and, placing a ring of gold upon its finger, took Mary for his bride. Years of study, broken by a fever that raged among the crowded, noisome streets, brought the time for completing his education at Paris; and Edmund, hand in hand with a brother Robert of his, begged his way as poor scholars were wont to the great school of Western Christendom. Here a damsel, heedless of his tonsure, wooed him so pertinaciously that Edmund consented at last to an assignation; but when he appeared it was in company of grave academical officials who, as the maiden declared in the hour of penitence which followed, "straightway whipped the offending Eve out of her." Still true to his Virgin bridal, Edmund, on his return from Paris, became the most popular of Oxford teachers. It is to him that Oxford owes her first introduction to the logic of Aristotle. We see him in the little room which he hired, with the Virgin's chapel hard by, his gray gown reaching to his feet, ascetic in his devotion, falling asleep in lecture-time after a sleepless night of prayer, but gifted with a grace and cheerfulness of manner which told of his French training and a chivalrous love of knowledge that let his pupils pay what they would. "Ashes to ashes, dust to dust," the young tutor would say, a touch of scholarly pride perhaps mingling with his contempt of worldly things as he threw down the fee on the dusty window-ledge, whence a thievish student would sometimes run off with it. But even knowledge brought its troubles; the Old Testament, which, with a copy of the Decretals, long formed his sole library, frowned down

upon a love of secular learning from which Edmund found it hard to wean himself. At last, in some hour of dream, the form of his dead mother floated into the room, where the teacher stood among his mathematical diagrams. "What are these?" she seemed to say; and, seizing Edmund's right hand, she drew on the palm three circles interlaced, each of which bore the name of a person of the Christian Trinity. "Be these," she cried, as the figure faded away, "thy diagrams henceforth, my son."

165. The story admirably illustrates the real character of the new training, and the latent opposition between the spirit of the universities and the spirit of the church. The feudal and ecclesiastical order of the old mediæval world were both alike threatened by this power that had so strangely sprung up in the midst of them. Feudalism rested on local isolation, on the severance of kingdom from kingdom and barony from barony, on the distinction of blood and race, on the supremacy of material or brute force, on an allegiance determined by accidents of place and social position. The university, on the other hand, was a protest against this isolation of man from man. The smallest school was European and not local. Not merely every province of France, but every people of Christendom, had its place among the "nations" of Paris or Padua. A common language, the Latin tongue, superseded within academical bounds the warring tongues of Europe. A common intellectual kinship and rivalry took the place of the petty strifes which parted province from province, or realm from realm. What church and

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empire had both aimed at, and both failed in, the knitting of Christian nations together into a vast commonwealth, the universities for a time actually did. Dante felt himself as little a stranger in the "Latin" quarter round Mont St. Geneviève as under the arches of Bologna. Wandering Oxford scholars carried the writings of Wycliffe to the libraries of Prague. In England the work of provincial fusion was less difficult or important than elsewhere, but even in England work had to be done. The feuds of Northerner and Southerner which so long disturbed the discipline of Oxford witnessed, at any rate, to the fact that Northerner and Southerner had at last been brought face to face in its streets. And here, as elsewhere, the spirit of national isolation was held in check by the larger comprehensiveness of the university. After the dissensions that threatened the prosperity of Paris in the thirteenth century Norman and Gascon mingled with Englishmen in Oxford lecture halls. Irish scholars were foremost in the fray with the legate. At a later time the rising of Owen Glyndwr found hundreds of Welshmen gathered round its teachers. And within this strangely mingled mass, society and government rested on a purely democratic basis. Among Oxford scholars the son of the noble stood on precisely the same footing with the poorest mendicant. Wealth, physical strength, skill in arms, pride of ancestry and blood, the very grounds on which feudal society rested, went for nothing in the lecture-room. The university was a state absolutely self-governed, and whose citizens were admitted by a purely intel-

lectual franchise. Knowledge made the "master." To know more than one's fellows was a man's sole claim to be a regent or "ruler" in the schools. And within this intellectual aristocracy all were equal. When the free commonwealth of the masters gathered in the aisles of St. Mary's all had an equal right to counsel, all had an equal vote in the final decision. Treasury and library were at their complete disposal. It was their voice that named every officer, that proposed and sanctioned every statute. Even the chancellor, their head, who had at first been an officer of the bishop, became an elected officer of their own.

166. If the democratic spirit of the universities threatened feudalism, their spirit of intellectual inquiry threatened the church. To all outer seeming they were purely ecclesiastical bodies. The wide extension which mediæval usage gave to the word "orders" gathered the whole educated world within the pale of the clergy. Whatever might be their age or proficiency, scholar and teacher alike ranked as clerks, free from lay responsibilities or the control of civil tribunals, and amenable only to the rule of the bishop and the sentence of his spiritual courts. This ecclesiastical character of the university appeared in that of its head. The chancellor, as we have seen, was at first no officer of the university itself, but of the ecclesiastical body under whose shadow it had sprung into life. At Oxford he was simply the local officer of the Bishop of Lincoln, within whose immense diocese the university was then situated. But this identification in outer form with

the church only rendered more conspicuous the difference of spirit between them. The sudden expansion of the field of education diminished the importance of those purely ecclesiastical and theological studies which had hitherto absorbed the whole intellectual energies of mankind. The revival of classical literature, the re-discovery, as it were, of an older and a greater world, the contact with a larger, freer life, whether in mind, in society or in politics, introduced a spirit of skepticism, of doubt, of denial, into the realms of unquestioning belief. Abelard claimed for reason a supremacy over faith. Florentine poets discussed with a smile the immortality of the soul. Even to Dante, while he censures these, Virgil is as sacred as Jeremiah. The imperial ruler in whom the new culture took its most notable form, Frederick the Second, the "world's wonder" of his time, was regarded by half Europe as no better than an infidel. A faint revival of physical science, so long crushed as magic by the dominant ecclesiasticism, brought Christians into perilous contact with the Moslem and the Jew. The books of the rabbis were no longer an accursed thing to Roger Bacon. The scholars of Cordova were no mere Paynim swine to Abelard of Bath. How slowly, indeed, and against what obstacles science won its way we know from the witness of Roger Bacon. "Slowly," he tells us, "has any portion of the philosophy of Aristotle come into use among the Latins. His Natural Philosophy and his Metaphysics, with the Commentaries of Averroes and others, were translated in my time, and interdicted at Paris up to the

year of grace 1237, because of their assertion of the eternity of the world and of time, and because of the book of the divinations by dreams (which is the third book, *De Somniis et Vigiliis*), and because of many passages erroneously translated. Even his logic was slowly received and lectured on. For St. Edmund, the Archbishop of Canterbury, was the first in my time who read the elements at Oxford. And I have seen Master Hugo, who first read the book of Posterior Analytics, and I have seen his writing. So there were but few, considering the multitude of the Latins, who were of any account in the philosophy of Aristotle; nay, very few, indeed, and scarcely any up to this year of grace 1292."

167. If we pass from the English university to the English town we see a progress as important and hardly less interesting. In their origin our boroughs were utterly unlike those of the rest of the western world. The cities of Italy and Provence had preserved the municipal institutions of their Roman past; the German towns had been founded by Henry the Fowler with the purpose of sheltering industry from the feudal oppression around them; the communes of Northern France sprang into existence in revolt against feudal outrage within their walls. But in England the tradition of Rome passed utterly away, while feudal oppression was held fairly in check by the crown. The English town, therefore, was in its beginning simply a piece of the general country, organized and governed precisely in the same manner as the townships around it. Its existence witnessed, indeed, the need which men felt in

those early times of mutual help and protection. The burh or borough was probably a more defensible place than the common village; it may have had a ditch or mound about it instead of the quickest hedge or "tun" from which the township took its name. But in itself it was simply a township or group of townships where men clustered, whether for trade or defense, more thickly than elsewhere. The towns were different in the circumstances and date of their rise. Some grew up in the fortified camps of the English invaders. Some dated from a later occupation of the sacked and desolate Roman towns. Some clustered round the country houses of king and ealdorman or the walls of church and monastery. Towns like Bristol were the direct result of trade. There was the same variety in the mode in which the various town communities were formed. While the bulk of them grew by simple increase of population from township to town, larger boroughs such as York with its "six shires," or London with its wards and sokes and franchises, show how families and groups of settlers settled down side by side, and claimed as they coalesced, each for itself, its shire or share of the town-ground while jealously preserving its individual life within the town community. But strange as these aggregations might be, the constitution of the borough which resulted from them was simply that of the people at large. Whether we regard it as a township, or rather from its size as a hundred or collection of townships, the obligations of the dwellers within its bounds were those of the townships round, to keep fence and

trench in good repair, to send a contingent to the fyrd, and a reeve and four men to the hundred court and shire court. As in other townships land was a necessary accompaniment of freedom. The landless man who dwelled in the borough had no share in its corporate life; for purposes of government or property the town consisted simply of the landed proprietors within its bounds. The common lands which are still attached to many of our boroughs take us back to a time when each township lay within a ring or mark of open ground which served at once as boundary and pasture land. Each of the four wards of York had its common pasture; Oxford has still its own "Portmeadow."

168. The inner rule of the borough lay, as in the townships about it, in the hands of its own freemen, gathered in "borough-moot" or "portmannimote." But the social change brought about by the Danish wars, the legal requirement that each man should have a lord, affected the towns as it affected the rest of the country. Some passed into the hands of great thegns near to them; the bulk became known as in the demesne of the king. A new officer, the lord's or king's reeve, was a sign of this revolution. It was the reeve who now summoned the borough-moot and administered justice in it; it was he who collected the lord's dues or annual rent of the town, and who exacted the services it owed to its lord. To modern eyes these services would imply almost complete subjection. When Leicester, for instance, passed from the hands of the Conqueror into those of its earls, its townsmen were bound to reap their

lord's corn-crops, to grind at his mill, to redeem their strayed cattle from his pound. The great forest around was the earl's, and it was only out of his grace that the little borough could drive its swine into the woods or pasture its cattle in the glades. The justice and government of a town lay wholly in its master's hands; he appointed its bailiffs, received the fines and forfeitures of his tenants, and the fees and tolls of their markets and fairs. But, in fact, when once these dues were paid and these services rendered the English townsmen was practically free. His rights were as rigidly defined by custom as those of his lord. Property and person alike were secured against arbitrary seizure. He could demand a fair trial on any charge, and even if justice was administered by his master's reeve, it was administered in the presence and with the assent of his fellow-townsmen. The bell which swung out from the town tower gathered the burgesses to a common meeting, where they could exercise rights of free speech and free deliberation on their own affairs. Their merchant-guild over its ale-feast regulated trade, distributed the sums due from the town among the different burgesses, looked to the due repairs of gate and wall, and acted in fact pretty much the same part as a town-council of to-day.

169. The merchant-guild was the outcome of a tendency to closer association which found support in those principles of mutual aid and mutual restraint that lay at the base of our old institutions. Guilds or clubs for religious, charitable, or social purposes were common throughout the country; and especially

common in boroughs, where men clustered more thickly together. Each formed a sort of artificial family. An oath of mutual fidelity among its members was substituted for the tie of blood, while the guild-feast, held once a month in the common hall, replaced the gathering of the kinsfolk round their family hearth. But within this new family the aim of the guild was to establish a mutual responsibility as close as that of the old. "Let all share the same lot," ran its law; "if any misdo, let all bear it." A member could look for aid from his guild-brothers in atoning for guilt incurred by mishap. He could call on them for assistance in case of violence or wrong. If falsely accused they appeared in court as his compurgators; if poor they supported, and when dead they buried him. On the other hand he was responsible to them, as they were to the state, for order and obedience to the laws. A wrong of brother against brother was also a wrong against the general body of the guild, and was punished by fine or in the last resort by an expulsion which left the offender a "lawless" man and an outcast. The one difference between these guilds in country and town was this, that in the latter case from their close local neighborhood they tended inevitably to coalesce. Under Æthelstan the London guilds united into one for the purpose of carrying out more effectually their common aims, and at a later time we find the guilds of Berwick enacting "that where many bodies are found side by side in one place they may become one, and have one will, and in the dealings of one with another have a strong and hearty love." The

process was probably a long and difficult one, for the brotherhoods naturally differed much in social rank, and even after the union was effected, we see traces of the separate existence to a certain extent of some one or more of the wealthier or more aristocratic guilds. In London, for instance, the Knightenguild, which seems to have stood at the head of its fellows, retained for a long time its separate property, while its alderman—as the chief officer of each guild was called—became the alderman of the united guild of the whole city. In Canterbury we find a similar guild of thanes, from which the chief officers of the town seem commonly to have been selected. Imperfect, however, as the union might be, when once it was effected the town passed from a mere collection of brotherhoods into a powerful community, far more effectually organized than in the loose organization of the township, and whose character was inevitably determined by the circumstances of its origin. In their beginnings our boroughs seem to have been mainly gatherings of persons engaged in agricultural pursuits; the first dooms of London provide especially for the recovery of cattle belonging to the citizens. But as the increasing security of the country invited the farmer or the landowner to settle apart in his own fields, and the growth of estate and trade told on the towns themselves, the difference between town and country became more sharply defined. London, of course, took the lead in this new development of civic life. Even in *Æthelstan's* day every London merchant who had made three long voyages on his own account ranked

as a thegn. Its "lithsmen," or shipman's-guild, were of sufficient importance under Harthacnut to figure in the election of a king, and its principal street still tells of the rapid growth of trade in its name of "Cheap-side" or the bargaining place. But at the Norman conquest the commercial tendency had become universal. The name given to the united brotherhood in a borough is in almost every case no longer that of a "town-guild," but of the "merchant-guild."

170. This social change in the character of the townsmen produced important results in the character of their municipal institutions. In becoming a merchant-guild the body of citizens who formed the "town" enlarged their powers of civic legislation by applying them to the control of their internal trade. It became their special business to obtain from the crown or from their lords wider commercial privileges, rights of coinage, grants of fairs, and exemption from tolls, while within the town itself they framed regulations as to the sale and quality of goods, the control of markets, and the recovery of debts. It was only by slow and difficult advances that each step in this securing of privilege was won. Still it went steadily on. Whenever we get a glimpse of the inner history of an English town we find the same peaceful revolution in progress, services disappearing through disuse or omission, while privileges and immunities are being purchased in hard cash. The lord of the town, whether he were king, baron, or abbot, was commonly thriftless or poor; and the capture of a noble, or the campaign

of a sovereign, or the building of some new minster by a prior, brought about an appeal to the thrifty burghers, who were ready to fill again their master's treasury at the price of the strip of parchment which gave them freedom of trade, of justice, and of government. In the silent growth and elevation of the English people the boroughs thus led the way. Unnoticed and despised by prelate and noble they preserved or won back again the full tradition of Teutonic liberty. The right of self-government, the right of free speech in free meeting, the right to equal justice at the hands of one's equals, were brought safely across ages of tyranny by the burghers and shop-keepers of the towns. In the quiet quaintly-named streets, in town-mead and market-place, in the lord's mill beside the stream, in the bell that swung out its summons to the crowded borough-mote, in merchant-guild, and church-guild, and craft-guild, lay the life of Englishmen, who were doing more than knight and baron to make England what she is—the life of their home and their trade, of their sturdy battle with oppression, their steady, ceaseless struggle for right and freedom.

171. London stood first among English towns, and the privileges which its citizens won became precedents for the burghers of meaner boroughs. Even at the conquest its power and wealth secured it a full recognition of all its ancient privileges from the Conqueror. In one way, indeed, it profited by the revolution which laid England at the feet of the stranger. One immediate result of William's success was an immigration into England from

the Continent. A peaceful invasion of the Norman traders followed quick on the invasion of the Norman soldiery. Every Norman noble as he quartered himself upon English lands, every Norman abbot as he entered his English cloister, gathered French artists, French shopkeepers, French domestics about him. Round the Abbey of Battle which William founded on the site of his great victory, "Gilbert the foreigner, Gilbert the weaver, Benet the steward, Hugh the secretary, Baldwin the tailor," dwelt, mixed with the English tenantry. But nowhere did these immigrants play so notable a part as in London. The Normans had had mercantile establishments in London as early as the reign of Æthelred, if not Eadgar. Such settlements, however, naturally formed nothing more than a trading colony, like the colony of the "Emperor's Men," or Easterlings. But with the conquest their number greatly increased. "Many of the citizens of Rouen and Caen passed over thither, preferring to be dwellers in this city, inasmuch as it was fitter for their trading and better stored with the merchandise in which they were wont to traffic." The status of these traders, indeed, had wholly changed. They could no longer be looked upon as strangers in cities which had passed under the Norman rule. In some cases, as at Norwich, the French colony isolated itself in a separate French town, side by side with the English borough. But in London it seems to have taken at once the position of a governing class. Gilbert Beket, the father of the famous archbishop, was believed in later days to have been one of the

portreeves of London, the predecessors of its mayors; he held in Stephen's time a large property in houses within the walls, and a proof of his civic importance was preserved in the annual visit of each newly elected chief magistrate to his tomb in a little chapel which he had founded in the churchyard of St. Paul's. Yet Gilbert was one of the Norman strangers who followed in the wake of the Conqueror; he was by birth a burgher of Rouen, as his wife was of a burgher family from Caen.

172. It was partly to this infusion of foreign blood, partly no doubt to the long internal peace and order secured by the Norman rule, that London owed the wealth and importance to which it attained during the reign of Henry the First. The charter which Henry granted it became a model for lesser boroughs. The king yielded its citizens the right of justice; each townsman could claim to be tried by his fellow-townsmen in the town-court of hustings, whose sessions took place every week. They were subject only to the old English trial by oath, and exempt from the trial by battle which the Normans introduced. Their trade was protected from toll or exaction over the length and breadth of the land. The king, however, still nominated in London as elsewhere the portreeve, or magistrate of the town, nor were the citizens as yet united together in a commune or corporation. But an imperfect civic organization existed in the "wards" or quarters of the town, each governed by its own alderman, and in the "guilds" or voluntary associations of merchants or traders, which insured order and

mutual protection for their members. Loose, too, as these bonds may seem, they were drawn firmly together by the older English traditions of freedom which the towns preserved. The London-burgesses gathered in their town-mote when the bell swung out from the bell-tower of St. Paul's to deliberate freely on their own affairs under the presidency of their alderman. Here, too, they mustered in arms if danger threatened the city, and delivered the town-banner to their captain, the Norman baron Fitz-Walter, to lead them against the enemy.

173. Few boroughs had as yet attained to such power as this, but the instance of Oxford shows how the freedom of London told on the general advance of English towns. In spite of antiquarian fancies, it is certain that no town had arisen on the site of Oxford for centuries after the withdrawal of the Roman legions from the isle of Britain. Though the monastery of St. Frideswide rose in the turmoil of the eighth century on the slope which led down to a ford across the Thames, it is long before we get a glimpse of the borough that must have grown up under its walls. The first definite evidence for its existence lies in a brief entry of the English Chronicle which recalls its seizure by Eadward the Elder, but the form of this entry shows that the town was already a considerable one, and in the last wrestle of England with the Dane its position on the borders of Mercia and Wessex combined with its command of the upper valley of the Thames to give it military and political importance. Of the life of its burgesses, however, we still know little

or nothing. The names of its parishes, St. Aldate, St. Ebbe, St. Mildred, St. Edmund, show how early church after church gathered round the earlier town-church of St. Martin. But the men of the little town remain dim to us. Their town-mote or the "Portmannimote" as it was called, which was held in the churchyard of St. Martin, still lives in a shadow of its older self as the Freeman's Common Hall—their townmead is still the Port-meadow. But it is only by later charters or the record of Doomsday that we see them going on pilgrimage to the shrines of Winchester, or chaffering in their market-place, or judging and law-making in their hustings, their merchant-guild regulating trade, their reeve gathering his king's dues of tax or money or marshaling his troops of burghers for the king's wars, their boats paying toll of a hundred herrings in Lent-tide to the Abbot of Abingdon, as they floated down the Thames toward London.

174. The number of houses marked waste in the survey marks the terrible suffering of Oxford in the Norman Conquest; but the ruin was soon repaired, and the erection of its castle, the rebuilding of its churches, the planting of a Jewry in the heart of the town, showed in what various ways the energy of its new masters was giving an impulse to its life. It is a proof of the superiority of the Hebrew dwellings to the Christian houses about them that each of the later town-halls of the borough had, before their expulsion, been houses of Jews. Nearly all the larger dwelling houses, in fact, which were subsequently converted into academic halls bore traces

of the same origin in names such as Moysey's Hall, Lombard's Hall, or Jacob's Hall. The Jewish houses were abundant, for besides the greater Jewry in the heart of it, there was a lesser Jewry scattered over its southern quarter, and we can hardly doubt that this abundance of substantial buildings in the town was at least one of the causes which drew teachers and scholars within its walls. The Jewry, a town within a town, lay here as elsewhere isolated and exempt from the common justice, the common life, and self-government of the borough. On all but its eastern side, too, the town was hemmed in by jurisdiction independent of its own. The precincts of the Abbey of Osney, the wide "bailey" of the castle, bounded it narrowly on the west. To the north, stretching away beyond the little church of St. Giles, lay the fields of the royal manor of Beaumont. The Abbot of Abingdon, whose woods of Cumnor and Bagley closed the southern horizon, held his lee-court in the hamlet of Grampound beyond the bridge. Nor was the whole space within the walls subject to the self-government of the citizens. The Jewry had a rule and law of its own. Scores of householders, dotted over street and lane, were tenants of castle or abbey and paid no suit or service at the borough court.

175. But within these narrow bounds and amid these various obstacles the spirit of municipall liberty lived a life the more intense that it was so closely cabined and confined. Nowhere, indeed, was the impulse which London was giving likely to tell with greater force. The "bargemen" of Oxford were

connected even before the conquest with the "boatmen," or shippers, of the capital. In both cases it is probable that the bodies bearing these names represented what is known as the merchant-guild of the town. Royal recognition enables us to trace the merchant-guild of Oxford from the time of Henry the First. Even then lands, islands, pastures belonged to it, and among them the same Port-meadow which is familiar to Oxford men pulling lazily on a summer's noon to Godstow. The connection between the two guilds was primarily one of trade. "In the time of King Eadward and Abbot Ordric" the channel of the Thames beneath the walls of the Abbey of Abingdon became so blocked up that boats could scarce pass as far as Oxford, and it was at the joint prayer of the burgesses of London and Oxford that the abbot dug a new channel through the meadow to the south of his church. But by the time of Henry the Second closer bonds than this linked the two cities together. In case of any doubt or contest about judgments in their own court, the burgesses of Oxford were empowered to refer the matter to the decision of London, "and whatsoever the citizens of London shall adjudge in such cases shall be deemed right." The judicial usages, the municipal rights of each city were assimilated by Henry's charter. "Of whatsoever matter the men of Oxford be put in plea, they shall deraign themselves according to the law and custom of the city of London and not otherwise, because they and the citizens of London are of one and the same custom, law, and liberty."

176. A legal connection such as this could hardly fail to bring with it an identity of municipal rights. Oxford had already passed through the earlier steps of her advance toward municipal freedom before the conquest of the Norman. Her burghers assembled in their own Portmannimote, and their dues to the crown were assessed at a fixed sum of honey or corn. But the formal definition of their rights dates, as in the case of London, from the time of Henry the First. The customs and exemptions of its townsmen were confirmed by Henry the Second "as ever they enjoyed them in the time of Henry my grandfather, and in like manner as my citizens of London hold them." By this date the town had attained entire judicial and commercial freedom, and liberty of external commerce was secured by the exemption of its citizens from toll on the king's lands. Complete independence was reached when a charter of John substituted a mayor of the town's own choosing for the reeve or bailiff of the crown. But dry details such as these tell little of the quick pulse of popular life that beat in the thirteenth century through such a community as that of Oxford. The church of St. Martin in the very heart of it, at the "Quatrevoix" or Carfax where its four streets met, was the center of the city life. The town-mote was held in its churchyard. Justice was administered ere yet a town-hall housed the infant magistracy, by mayor or bailiff, sitting beneath a low pent-house, the "pennyless bench," of later days, outside its eastern wall. Its bell summoned the burghers to council or arms. Around the church the trade guilds were ranged as in

some vast encampment. To the south of it lay Spicery and Vintnery, the quarter of the richer burghesses. Fish street fell noisily down to the bridge and the ford. The Cornmarket occupied then as now the street which led to Northgate. The stalls of the butchers stretched along the "Butcher row," which formed the road to the bailey and the castle. Close beneath the church lay a nest of huddled lanes, broken by a stately synagogue, and traversed from time to time by the yellow gaberdine of the Jew. Soldiers from the castle rode clashing through the narrow streets; the bells of Osney clanged from the swampy meadows; processions of pilgrims wound through gates and lane to the shrine of St. Frideswide. Frays were common enough; now the sack of a Jew's house; now burgher drawing knife on burgher; now an outbreak of the young student lads, who were growing every day in numbers and audacity. But as yet the town was well in hand. The clang of the city bell called every citizen to his door; the call of the mayor brought trade after trade with bow in hand and banners flying to enforce the king's peace.

177. The advance of towns which had grown up, not on the royal domain but around abbey or castle, was slower and more difficult. The story of St. Edmundsbury shows how gradual was the transition from pure serfage to an imperfect freedom. Much that had been plow-land here in the Confessor's time was covered with houses by the time of Henry the Second. The building of the great abbey-church drew its craftsmen and masons to mingle with the

plowmen and reapers of the abbot's domain. The troubles of the time helped here as elsewhere the progress of the town; serfs, fugitives from justice or their lord, the trader, the Jew, naturally sought shelter under the strong hand of St. Edmund. But the settlers were wholly at the abbot's mercy. Not a settler but was bound to pay his pence to the abbot's treasury, to plow a rood of his land, to reap in his harvest-field, to fold his sheep in the abbey folds, to help bring the annual catch of eels from the abbey waters. Within the four crosses that bounded the abbot's domain land and water were his; the cattle of the townsmen paid for their pasture on the common; if the fullers refused the loan of their cloth, the cellarers would refuse the use of the stream, and seize their looms wherever they found them. No toll might be levied from tenants of the abbey farms, and customers had to wait before shop and stall till the buyers of the abbot had had the pick of the market. There was little chance of redress, for if burghers complained in folk-mote it was before the abbot's officers that its meeting was held; if they appealed to the alderman, he was the abbot's nominee and received the horn, the symbol of his office, at the abbot's hands. Like all the greater revolutions of society, the advance from this mere serfage was a silent one; indeed its more galling instances of oppression seem to have slipped unconsciously away. Some, like the eel-fishing, were commuted for an easy rent; others, like the slavery of the fullers and the toll of flax, simply disappeared. By usage, by omission, by downright forgetfulness, here

by a little struggle, there by a present to a needy abbot, the town won freedom.

178. But progress was not always unconscious, and one incident in the history of St. Edmundsbury is remarkable, not merely as indicating the advance of law, but yet more as marking the part which a new moral sense of man's right to equal justice was to play in the general advance of the realm. Rude as the borough was, it possessed the right of meeting in full assembly of the townsmen for government and law. Justice was administered in presence of the burgesses, and the accused acquitted or condemned by the oath of his neighbors. Without the borough bounds, however, the system of Norman judicature prevailed; and the rural tenants who did suit and service at the cellarer's court were subjected to the trial by battle. The execution of a farmer named Kebel who came under this feudal jurisdiction brought the two systems into vivid contrast. Kebel seems to have been guiltless of the crime laid to his charge; but the duel went against him and he was hung just without the gates. The taunts of the townsmen woke his fellow-farmers to a sense of wrong. "Had Kebel been a dweller within the borough," said the burgesses, "he would have got his acquittal from the oaths of his neighbors, as our liberty is;" and even the monks were moved to a decision that their tenants should enjoy equal freedom and justice with the townsmen. The franchise of the town was extended to the rural possessions of the abbey without it; the farmers "came to the toll-house, were written in the alderman's toll, and paid

the town-penny." A chance story, preserved in a charter of later date, shows the same struggle for justice going on in a greater town. At Leicester, the trial by compurgation, the rough predecessor of trial by jury, had been abolished by the earls in favor of trial by battle. The aim of the burgesses was to regain their old justice, and in this a touching instance at last made them successful. "It chanced that two kinsmen, Nicholas the son of Acon and Geoffry the son of Nicholas, waged a duel about a certain piece of land concerning which a dispute had arisen between them; and they fought from the first to the ninth hour, each conquering by turns. Then one of them fleeing from the other till he came to a certain little pit, as he stood on the brink of the pit, and was about to fall therein, his kinsman said to him, 'Take care of the pit; turn back, lest thou shouldst fall into it.' Thereat so much clamor and noise was made by the by-standers and those who were sitting around that the earl heard those clamors as far off as the castle, and he inquired of some how it was that there was such a clamor, and answer was made to him that two kinsmen were fighting about a certain piece of ground, and that one had fled till he reached a certain little pit, and that as he stood over the pit and was about to fall into it, the other warned him. Then the townsmen being moved with pity, made a covenant with the earl that they should give him threepence yearly for each house in the High street that had a gable, on condition that he should grant to them that the twenty-four jurors who were in Leicester from ancient times should from that time

forward discuss and decide all pleas they might have among themselves."

179. At the time we have reached, this struggle for emancipation was nearly over. The larger towns had secured the privilege of self-government, the administration of justice, and the control of their own trade. The reigns of Richard and John mark the date in our municipal history at which towns began to acquire the right of electing their own chief magistrate, the portreeve or mayor, who had till then been a nominee of the crown. But with the close of this outer struggle opened an inner struggle between the various classes of the townsmen themselves. The growth of wealth and industry was bringing with it a vast increase of population. The mass of the new settlers, composed as they were of escaped serfs, of traders without landed holdings, of families who had lost their original lot in the borough, and generally of the artisans and the poor, had no part in the actual life of the town. The right of trade and of the regulation of trade, in common with all other forms of jurisdiction, lay wholly in the hands of the landed burghers whom we have described. By a natural process, too, their superiority in wealth produced a fresh division between the "burghers" of the merchant-guild and the unenfranchised mass around them. The same change which severed at Florence the seven greater arts or trades from the fourteen lesser arts, and which raised the three occupations of banking, the manufacture and the dyeing of cloth, to a position of superiority even within the privileged circle of the

seven, told though with less force on the English boroughs. The burghers of the merchant-guild gradually concentrated themselves on the greater operations of commerce, on trades which required a larger capital, while the meaner employments of general traffic were abandoned to their poorer neighbors. This advance in the division of labor is marked by such severances as we note in the thirteenth century of the cloth merchant from the tailor or the leather merchant from the butcher.

180. But the result of this severance was all-important in its influence on the constitution of our towns. The members of the trades thus abandoned by the wealthier burghers formed themselves into craft-guilds, which soon rose into dangerous rivalry with the original merchant-guild of the town. A seven years' apprenticeship formed the necessary prelude to full membership of these trade-guilds. Their regulations were of the minutest character; the quality and value of work were rigidly prescribed, the hours of toil fixed 'from day-break to curfew,' and strict provision made against competition in labor. At each meeting of these guilds their members gathered round the craft-box which contained the rules of their society, and stood with bared heads as it was opened. The warden and a quorum of guild-brothers formed a court which enforced the ordinances of the guild, inspected all work done by its members, confiscated unlawful tools or unworthy goods; and disobedience to their orders was punished by fines or in the last resort by expulsion, which involved the loss of a right to trade. A com.

mon fund was raised by contributions among the members, which not only provided for the trade objects of the guild, but sufficed to found chantries and masses and set up painted windows in the church of their patron saint. Even at the present day the arms of a craft-guild may often be seen blazoned in cathedrals side by side with those of prelates and of kings. But it was only by slow degrees that they rose to such a height as this. The first steps in their existence were the most difficult, for to enable a trade-guild to carry out its objects with any success it was first necessary that the whole body of craftsmen belonging to the trade should be compelled to join the guild, and secondly, that a legal control over the trade itself should be secured to it. A royal charter was indispensable for these purposes, and over the grant of these charters took place the first struggle with the merchant-guilds, which had till then solely exercised jurisdiction over trade within the boroughs. The weavers, who were the first trade-guild to secure royal sanction in the reign of Henry the First, were still engaged in a contest for existence as late as the reign of John, when the citizens of London bought for a time the suppression of their guild. Even under the house of Lancaster Exeter was engaged in resisting the establishment of a tailor's guild. From the eleventh century, however, the spread of these societies went steadily on, and the control of trade passed more and more from the merchant-guilds to the craft-guilds.

181. It is this struggle, to use the technical terms of the time, of the "greater folk" against the "less-

er folk," or of the "commune" (the general mass of the inhabitants) against the "prudhommes" (or "wiser" few), which brought about, as it passed from the regulation of trade to the general government of the town, the great civic revolution of the thirteenth and fourteenth centuries. On the Continent, and especially along the Rhine, the struggle was as fierce as the supremacy of the older burghers had been complete. In Köln the craftsmen had been reduced to all but serfage, and the merchant of Brussels might box at his will the ears of "the man without heart or honor who lives by his toil." Such social tyranny of class over class brought a century of bloodshed to the cities of Germany; but in England the tyranny of class over class was restrained by the general tenor of the law, and the revolution took for the most part a milder form. The longest and bitterest strife of all was naturally at London. Nowhere had the territorial constitution struck root so deeply, and nowhere had the landed oligarchy risen to such a height of wealth and influence. The city was divided into wards, each of which was governed by an alderman drawn from the ruling class. In some, indeed, the office seems to have become hereditary. The "magnates," or "barons," of the merchant-guild advised alone on all matters of civic government or trade regulation, and distributed or assessed at their will the revenues or burdens of the town. Such a position afforded an opening for corruption and oppression of the most galling kind; and it seems to have been a general impression of the unfair assessment of the dues levied on the poor and

the undue burdens which were thrown on the unenfranchised classes which provoked the first serious discontent. In the reign of Richard the First, William of the Long Beard, though one of the governing body, placed himself at the head of a conspiracy which, in the panic-stricken fancy of the burghers, numbered 50,000 of the craftsmen. His eloquence, his bold defiance of the aldermen in the town-mote, gained him at any rate a wide popularity and the crowds who surrounded him hailed him as "the savior of the poor." One of his addresses is luckily preserved to us by a hearer of the time. In mediæval fashion he began with a text from the Vulgate: "Ye shall draw water with joy from the fountain of the Saviour." "I," he began, "am the savior of the poor. Ye poor men who have felt the weight of rich men's hands, draw from my fountain waters of wholesome instruction and that with joy, for the time of your visitation is at hand. For I will divide the waters from the waters. It is the people who are the waters, and I will divide the lowly and faithful folk from the proud and faithless folk; I will part the chosen from the reprobate as light from darkness." But it was in vain that he strove to win royal favor for the popular cause. The support of the moneyed classes was essential to Richard in the costly wars with Philip of France; and the Justiciar, Archbishop Hubert, after a moment of hesitation issued orders for William Longbeard's arrest. William felled with an axe the first soldier who advanced to seize him, and, taking refuge with a few adherents in the tower of St. Mary-le-Bow, summoned his

adherents to rise. Hubert, however, who had already flooded the city with troops, with bold contempt of the right of sanctuary set fire to the tower. William was forced to surrender, and a burgher's son, whose father he had slain, stabbed him as he came forth. With his death the quarrel slumbered for more than fifty years. But the movement toward equality went steadily on. Under pretext of preserving the peace the unenfranchised townsmen united in secret frith-guilds of their own, and mobs rose from time to time to sack the houses of foreigners and the wealthier burgesses. Nor did London stand alone in this movement. In all the larger towns the same discontent prevailed, the same social growth called for new institutions, and, in their silent revolt against the oppression of the merchant-guild, the craft-guilds were training themselves to stand forward as champions of a wider liberty in the Barons' War.

182. Without the towns progress was far slower and more fitful. It would seem, indeed, that the conquest of the Norman bore harder on the rural population than on any other class of Englishmen. Under the later kings of the house of Ælfred the number of absolute slaves and the number of freemen had alike diminished. The pure slave class had never been numerous, and it had been reduced by the efforts of the church, perhaps by the general convulsion of the Danish wars. But these wars had often driven the ceorl or freeman of the township to "commend" himself to a thegn, who pledged him his protection in consideration of payment in a

rendering of labor. It is probable that these dependent ceorls are the "villeins" of the Norman epoch, the most numerous class of the Domesday Survey, men sunk, indeed, from pure freedom and bound both to soil and lord, but as yet preserving much of their older rights, retaining their land, free as against all men but their lord, and still sending representatives to hundred-moot and shire-moot. They stood, therefore, far above the "landless man," the man who had never possessed, even under the old constitution, political rights, whom the legislation of the English kings had forced to attach himself to a lord on pain of outlawry, and who served as household servant or as hired laborer, or at the best as rent-paying tenant of land which was not his own. The Norman knight or lawyer, however, saw little distinction between these classes; and the tendency of legislation under the Angevins was to blend all in a single class of serfs. While the pure "theow" or absolute slave disappeared, therefore, the ceorl or villein sank lower in the social scale. But though the rural population was undoubtedly thrown more together and fused into a more homogeneous class its actual position corresponded very imperfectly with the view of the lawyers. All indeed were dependents on a lord. The manor-house became the center of every English village. The manor-court was held in its hall; it was here that the lord or his steward received homage, recovered fines, held the view of frank-pledge, or enrolled the villagers in their tithing. Here, too, if the lord possessed criminal jurisdiction, was held his justice court, and

without its doors stood his gallows. Around it lay the lord's demesne or home-farm, and the cultivation of this rested wholly with the "villeins" of the manor. It was by them that the great barn was filled with sheaves, the sheep shorn, the grain malted, the wood hewn for the manor-hall fire. These services were the labor-rent by which they held their lands, and it was the nature and extent of this labor-rent which parted one class of the population from another. The "villein," in the strict sense of the word, was bound only to gather in his lord's harvest and to aid in the plowing and sowing of autumn and Lent. The cotter, the borderer, and the laborer were bound to help in the work of the home-farm throughout the year.

183. But these services and the time of rendering them were strictly limited by custom, not only in the case of the ceorl or villein but in that of the originally meaner "landless man." The possession of his little homestead with the ground around it, the privilege of turning out his cattle on the waste of the manor, passed quietly and insensibly from mere indulgences that could be granted or withdrawn at a lord's caprice into rights that could be pleaded at law. The number of teams, the fines, the reliefs, the services that a lord could claim, at first mere matter of oral tradition, came to be entered on the court-roll of the manor, a copy of which became the title-deed of the villein. It was to this that he owed the name of "copy-holder," which at a later time superseded his older title. Disputes were settled by a reference to this roll or on oral evidence of the

custom at issue, but a social arrangement which was eminently characteristic of the English spirit of compromise generally secured a fair adjustment of the claims of villein and lord. It was the duty of the lord's bailiff to exact their due services from the villeins, but his coadjutor in this office, the reeve or foreman of the manor, was chosen by the tenants themselves and acted as representative of their interests and rights. A fresh step toward freedom was made by the growing tendency to commute labor-services for money-payments. The population was slowly increasing, and as the law of gavel-kind, which was applicable to all landed estates not held by military tenure, divided the inheritance of the tenantry equally among their sons, the holding of each tenant and the services due from it became divided in a corresponding degree. A labor-rent thus became more difficult to enforce, while the increase of wealth among the tenantry and the rise of a new spirit of independence made it more burdensome to those who rendered it. It was probably from this cause that the commutation of the arrears of labor for a money-payment, which had long prevailed on every estate, gradually developed into a general commutation of services. We have already witnessed the silent progress of this remarkable change in the case of St. Edmundsbury, but the practice soon became universal, and "malt-silver," "wood-silver," and "larder-silver" gradually took the place of the older personal services on the court-rolls. The process of commutation was hastened by the necessities of the lords themselves. The luxury of

the castle-hall, the splendor and pomp of chivalry, the cost of campaigns drained the purses of knight and baron, and the sale of freedom to a serf or exemption from services to a villein afforded an easy and tempting mode of refilling them. In this process even kings took part. At a later time, under Edward the Third, commissioners were sent to royal estates for the especial purpose of selling manumissions to the king's serfs; and we still possess the names of those who were enfranchised, with their families, by a payment of hard cash in aid of the exhausted exchequer.

184. Such was the people which had been growing into a national unity and a national vigor while English king and English baronage battled for rule. But king and baronage themselves had changed like townsman and ceorl. The loss of Normandy, entailing as it did the loss of their Norman lands, was the last of many influences which had been giving through a century and a half a national temper to the baronage. Not only the "new men," the ministers out of whom the two Henrys had raised a nobility, were bound to the crown, but the older feudal houses now owned themselves as Englishmen and set aside their aims after personal independence for a love of the general freedom of the land. They stood out as the natural leaders of a people bound together by the stern government which had crushed all local division, which had accustomed men to the enjoyment of a peace and justice that, imperfect as it seems to modern eyes, was almost unexampled elsewhere in Europe, and which had trained them

to something of their old free government again by the very machinery of election it used to facilitate its heavy taxation. On the other hand the loss of Normandy brought home the king. The growth which had been going on had easily escaped the eyes of rulers who were commonly absent from the realm and busy with the affairs of countries beyond the sea. Henry the Second had been absent for years from England; Richard had only visited it twice for a few months; John had as yet been almost wholly occupied with his foreign dominions. To him, as to his brother, England had as yet been nothing but a land whose gold paid the mercenaries that followed him, and whose people bowed obediently to his will. It was easy to see that between such a ruler and such a nation once brought together strife must come; but that the strife came as it did and ended as it did was due above all to the character of the king.

185. "Foul as it is, hell itself is defiled by the fouler presence of John." The terrible verdict of his contemporaries has passed into the sober judgment of history. Externally John possessed all the quickness, the vivacity, the cleverness, the good-humor, the social charm which distinguished his house. His worst enemies owned that he toiled steadily and closely at the work of administration. He was fond of learned men like Gerald of Wales. He had a strange gift of attracting friends and of winning the love of women. But in his inner soul John was the worst outcome of the Angevins. He united into one mass of wickedness their insolence,

their selfishness, their unbridled lust, their cruelty and tyranny, their shamelessness, their superstition, their cynical indifference to honor or truth. In mere boyhood he tore, with brutal levity, the beards of the Irish chieftains who came to own him as their lord. His ingratitude and perfidy brought his father with sorrow to the grave. To his brother he was the worst of traitors. All Christendom believed him to be the murderer of his nephew, Arthur of Brittany. He abandoned one wife and was faithless to another. His punishments were refinements of cruelty, the starvation of children, the crushing old men under copes of lead. His court was a brothel where no woman was safe from the royal lust, and where his cynicism loved to publish the news of his victim's shame. He was as craven in his superstition as he was daring in his impiety. Though he scoffed at priests and turned his back on the mass, even amid the solemnities of his coronation, he never stirred on a journey without hanging relics round his neck. But with the wickedness of his race he inherited its profound ability. His plan for the relief of Château Gaillard, the rapid march by which he shattered Arthur's hopes at Mirabel, showed an inborn genius for war. In the rapidity and breadth of his political combinations he far surpassed the statesmen of his time. Throughout his reign we see him quick to discern the difficulties of his position, and inexhaustible in the resources with which he met them. The overthrow of his continental power only spurred him to the formation of a league which all but brought Philip to the ground;

and the sudden revolt of England was parried by a shameless alliance with the papacy. The closer study of John's history clears away the charges of sloth and incapacity with which men tried to explain the greatness of his fall. The awful lesson of his life rests on the fact that the king who lost Normandy, became the vassal of the pope, and perished in a struggle of despair against English freedom, was no weak and indolent voluptuary, but the ablest and most ruthless of the Angevins.

186. From the moment of his return to England in 1204 John's whole energies were bent to the recovery of his dominions on the Continent. He impatiently collected money and men for the support of those adherents of the house of Anjou who were still struggling against the arms of France in Poitou and Guienne, and in the summer of 1205 he gathered an army at Portsmouth and prepared to cross the channel. But his project was suddenly thwarted by the resolute opposition of the primate, Hubert Walter, and the Earl of Pembroke, William Marshal. So completely had both the baronage and the church been humbled by his father that the attitude of their representatives revealed to the king a new spirit of national freedom which was rising around him, and John at once braced himself to a struggle with it. The death of Hubert Walter in July, only a few days after his protest, removed his most formidable opponent, and the king resolved to neutralize the opposition of the church by placing a creature of his own at its head. John de Grey, Bishop of Norwich, was elected by the monks of Canterbury at his bid-

ding, and enthroned as primate. But in a previous though informal gathering the convent had already chosen its sub-prior, Reginald, as archbishop. The rival claimants hastened to appeal to Rome, and their appeal reached the papal court before Christmas. The result of the contest was a startling one both for themselves and for the king. After a year's careful examination, Innocent the Third, who now occupied the papal throne, quashed at the close of 1206 both the contested elections. The decision was probably a just one, but Innocent was far from stopping there. The monks who appeared before him brought powers from the convent to choose a new primate should their earlier nomination be set aside; and John, secretly assured of their choice of Grey, had promised to confirm their election. But the bribes which the king lavished at Rome failed to win the pope over to his plan; and whether from mere love of power, for he was pushing the papal claims of supremacy over Christendom further than any of his predecessors, or as may fairly be supposed in despair of a free election within English bounds, Innocent commanded the monks to elect in his presence Stephen Langton to the archiepiscopal see.

187. Personally a better choice could not have been made, for Stephen was a man who, by sheer weight of learning and holiness of life, had risen to the dignity of Cardinal, and whose after career placed him in the front ranks of English patriots. But in itself the step was an usurpation of the right both of the church and of the crown. The king at once met it with resistance. When Innocent con-

secrated the new primate in June, 1207, and threatened the realm with interdict if Langton were any longer excluded from his see, John replied by a counter threat that the interdict should be followed by the banishment of the clergy and the mutilation of every Italian he could seize in the realm. How little he feared the priesthood he showed when the clergy refused his demand of a thirteenth of movables for the whole country, and Archbishop Geoffry of York resisted the tax before the council. John banished the archbishop and extorted the money. Innocent, however, was not a man to draw back from his purpose, and in March, 1208, the interdict he had threatened fell upon the land. All worship, save that of a few privileged orders, all administration of sacraments, save that of private baptism, ceased over the length and breadth of the country: the church-bells were silent, the dead lay unburied on the ground. Many of the bishops fled from the country. The church in fact, so long the main support of the royal power against the baronage, was now driven into opposition. Its change of attitude was to be of vast moment in the struggle which was impending; but John recked little of the future; he replied to the interdict by confiscating the lands of the clergy who observed it, by subjecting them in spite of their privileges to the royal courts, and by leaving outrages on them unpunished. "Let him go," said John, when a Welshman was brought before him for the murder of a priest; "he has killed my enemy." In 1209 the pope proceeded to the further sentence of excommunication, and the king

was formally cut off from the pale of the church. But the new sentence was met with the same defiance as the old. Five of the bishops fled over sea, and secret disaffection was spreading widely, but there was no public avoidance of the excommunicated king. An archdeacon of Norwich who withdrew from his service was crushed to death under a cope of lead, and the hint was sufficient to prevent either prelate or noble from following his example.

188. The attitude of John showed the power which the administrative reforms of his father had given to the crown. He stood alone, with nobles estranged from him and the church against him, but his strength seemed utterly unbroken. From the first moment of his rule John had defied the baronage. The promise to satisfy their demand for redress of wrongs in the past reign—a promise made at his election—remained unfulfilled; when the demand was repeated he answered it by seizing their castles and taking their children as hostages for their loyalty. The cost of his fruitless threats of war had been met by heavy and repeated taxation, by increased land tax and increased scutage. The quarrel with the church and fear of their revolt only deepened his oppression of the nobles. He drove De Braose, one of the most powerful of the lords-marches, to die in exile, while his wife and grandchildren were believed to have been starved to death in the royal prisons. On the nobles who still clung panic-stricken to the court of the excommunicate king, John heaped outrages worse than death. Illegal exactions, the seizure of their castles, the pre

ference shown to foreigners, were small provocations compared with his attacks on the honor of their wives and daughters. But the baronage still submitted. The financial exactions, indeed, became light as John filled his treasury with the goods of the church; the king's vigor was seen in the rapidity with which he crushed a rising of the nobles in Ireland and foiled an outbreak of the Welsh; while the triumphs of his father had taught the baronage its weakness in any single-handed struggle against the crown. Hated therefore as he was, the land remained still. Only one weapon was now left in Innocent's hands. Men held then that a king, once excommunicate, ceased to be a Christian or have claims on the obedience of Christian subjects. As spiritual heads of Christendom, the popes had ere now asserted their right to remove such a ruler from his throne and to give it to a worthier than he; and it was this right which Innocent at last felt himself driven to exercise. After useless threats he issued in 1212 a bull of deposition against John, absolved his subjects from their allegiance, proclaimed a crusade against him as an enemy to Christianity and the church, and committed the execution of the sentence to the king of the French. John met the announcement of this step with the same scorn as before. His insolent disdain suffered the Roman legate, Cardinal Pandulf, to proclaim his deposition to his face at Northampton. When Philip collected an army for an attack on England an enormous host gathered at the king's call on Barham Down; and the English fleet dispelled all danger of invasion by

crossing the channel, by capturing a number of French ships, and by burning Dieppe.

189. But it was not in England only that the king showed his strength and activity. Vile as he was, John possessed in a high degree the political ability of his race, and in the diplomatic efforts with which he met the danger from France he showed himself his father's equal. The barons of Poitou were roused to attack Philip from the south. John bought the aid of the Count of Flanders on his northern border. The German king, Otto, pledged himself to bring the knighthood of Germany to support an invasion of France. But at the moment of his success in diplomacy John suddenly gave way. It was, in fact, the revelation of a danger at home which shook him from his attitude of contemptuous defiance. The bull of deposition gave fresh energy to every enemy. The Scotch king was in correspondence with Innocent. The Welsh princes who had just been forced to submission broke out again in war. John hanged their hostages, and called his host to muster for a fresh inroad into Wales, but the army met only to become a fresh source of danger. Powerless to oppose the king openly, the baronage had plunged almost to a man into secret conspiracies. The hostility of Philip had dispelled their dread of isolated action; many, indeed, had even promised aid to the French king on his landing. John found himself in the midst of hidden enemies; and nothing could have saved him but the haste—whether of panic or quick decision—with which he disbanded his army and took refuge in Nottingham

Castle. The arrest of some of the barons showed how true were his fears, for the heads of the French conspiracy, Robert Fitz-Walter and Eustace de Vesci, at once fled over sea to Philip. His daring self-confidence, the skill of his diplomacy, could no longer hide from John the utter loneliness of his position. At war with Rome, with France, with Scotland, Ireland, and Wales, at war with the church, he saw himself disarmed by this sudden revelation of treason in the one force left at his disposal. With characteristic suddenness he gave way. He endeavored by remission of fines to win back his people. He negotiated eagerly with the pope, consented to receive the archbishop, and promised to repay the money he had extorted from the church.

190. But the shameless ingenuity of the king's temper was seen in his resolve to find in his very humiliation a new source of strength. If he yielded to the church he had no mind to yield to the rest of his foes; it was, indeed, in the pope who had defeated him that he saw the means of baffling their efforts. It was Rome that formed the link between the varied elements of hostility which combined against him. It was Rome that gave its sanction to Philip's ambition and roused the hopes of Scotch and Welsh; Rome that called the clergy to independence and nerved the barons to resistance. To detach Innocent by submission from the league which hemmed him in on every side was the least part of John's purpose. He resolved to make Rome his ally, to turn its spiritual thunders on his foes, to use it in breaking up the confederacy it had formed, in crushing the

baronage, in oppressing the clergy, in paralyzing—as Rome only could paralyze—the energy of the primate. That greater issues even than these were involved in John's rapid change of policy time was to show; but there is no need to credit the king with the foresight that would have discerned them. His quick, versatile temper saw no doubt little save the momentary gain. But that gain was immense. Nor was the price as hard to pay as it seems to modern eyes. The pope stood too high above earthly monarchs, his claims, at least as Innocent conceived and expressed them, were too spiritual, too remote from the immediate business and interests of the day, to make the owning of his suzerainty any very practical burden. John could recall a time when his father was willing to own the same subjection as that which he was about to take on himself. He could recall the parallel allegiance which his brother had pledged to the emperor. Shame, indeed, there must be in any loss of independence, but in this less than any, and with Rome the shame of submission had already been incurred. But whatever were the king's thoughts his act was decisive. On the 15th of May, 1213, he knelt before the legate Pandulf, surrendered his kingdom to the Roman see, took it back again as a tributary vassal, swore fealty and did liege homage to the pope.

191. In after times men believed that England thrilled at the news with a sense of national shame such as she had never felt before. "He has become the pope's man," the whole country was said to have murmured; "he has forfeited the very name of king:

from a free man he has degraded himself into a serf." But this was the belief of a time still to come when the rapid growth of national feeling which this step and its issues did more than anything to foster made men look back on the scene between John and Pandulf as a national dishonor. We see little trace of such a feeling in the contemporary accounts of the time. All seem rather to have regarded it as a complete settlement of the difficulties in which king and kingdom were involved. As a political measure its success was immediate and complete. The French army at once broke up in impotent rage; and when Philip turned on the enemy John had raised up for him in Flanders, 500 English ships under the Earl of Salisbury fell upon the fleet which accompanied the French army along the coast and utterly destroyed it. The league which John had so long matured at once disclosed itself. Otto, reinforcing his German army by the knighthood of Flanders and Boulogne as well as by a body of mercenaries in the pay of the English king, invaded France from the north. John called on his baronage to follow him over sea for an attack on Philip from the south.

192. Their plea that he remained excommunicate was set aside by the arrival of Langton and his formal absolution of the king on a renewal of his coronation oath and a pledge to put away all evil customs. But the barons still stood aloof. They would serve at home, they said, but they refused to cross the sea. Those of the north took a more decided attitude of opposition. From this point, indeed, the northern barons began to play their part

in our constitutional history. Lacies, Vescies, Percies, Stutevilles, Bruces, houses such as those of De Ros or De Vaux, all had sprung to greatness on the ruins of the Mowbrays and the great houses of the conquest, and had done service to the crown in its strife with the older feudatories. But loyal as was their tradition they were English to the core; they had neither lands nor interest over sea, and they now declared themselves bound by no tenure to follow the king in foreign wars. Furious at this check to his plans John marched in arms northwards to bring these barons to submission. But he had now to reckon with a new antagonist in the justiciar, Geoffrey Fitz-Peter. Geoffrey had hitherto bent to the king's will; but the political sagacity which he drew from the school of Henry the Second, in which he had been trained, showed him the need of concession, and his wealth, his wide kinship, and his experience of affairs gave his interposition a decisive weight. He seized on the political opportunity which was offered by the gathering of a council at St. Albans at the opening of August with the purpose of assessing the damages done to the church. Besides the bishops and barons, a reeve and his four men were summoned to this council from each royal demesne, no doubt simply as witnesses of the sums due to the plundered clergy. Their presence, however, was of great import. It is the first instance which our history presents of the summons of such representatives to a national council, and the instance took fresh weight from the great matters which came to be discussed. In the king's name the justiciar

promised good government for the time to come, and forbade all royal officers to practice extortion as they prized life and limb. The king's peace was pledged to those who had opposed him in the past; and observance of the laws of Henry the First was enjoined upon all within the realm.

193. But it was not in Geoffrey Fitz-Peter that English freedom was to find its champion and the baronage their leader. From the moment of his landing in England Stephen Langton had taken up the constitutional position of the primate in upholding the old customs and rights of the realm against the personal despotism of the kings. As Anselm had withstood William the Red, as Theobald had withstood Stephen, so Langton prepared to withstand and rescue his country from the tyranny of John. He had already forced him to swear to observe the laws of Edward the Confessor, in other words the traditional liberties of the realm. When the baronage refused to sail for Poitou he compelled the king to deal with them not by arms but by process of law. But the work which he now undertook was far greater and weightier than this. The pledges of Henry the First had long been forgotten when the justiciar brought them to light, but Langton saw the vast importance of such a precedent. At the close of the month he produced Henry's charter in a fresh gathering of barons at St. Paul's, and it was at once welcomed as a base for the needed reforms. From London Langton hastened to the king, whom he reached at Northampton on his way to attack the nobles of the north, and wrested from him a promise

to bring his strife with them to legal judgment before assailing them in arms. With his allies gathering abroad John had doubtless no wish to be entangled in a long quarrel at home, and the archbishop's mediation allowed him to withdraw with seeming dignity. After a demonstration, therefore, at Durham, John marched hastily south again, and reached London in October. His justiciar at once laid before him the claims of the councils of St. Alban's and St. Paul's; but the death of Geoffry at this juncture freed him from the pressure which his minister was putting upon him. "Now, by God's feet," cried John, "I am for the first time king and lord of England," and he intrusted the vacant justiciarship to a Poitevin, Peter des Roches, the Bishop of Winchester, whose temper was in harmony with his own. But the death of Geoffry only called the archbishop to the front, and Langton at once demanded the king's assent to the charter of Henry the First. In seizing on this charter as a basis for national action Langton showed a political ability of the highest order. The enthusiasm with which its recital was welcomed showed the sagacity with which the archbishop had chosen his ground. From that moment the baronage was no longer drawn together in secret conspiracies by a sense of common wrong or a vague longing for common deliverance: they were openly united in a definite claim of national freedom and national law.

194. John could as yet only meet the claim by delay. His policy had still to wait for its fruits at Rome, his diplomacy to reap its harvest in Flanders,

ere he could deal with England. From the hour of his submission to the papacy his one thought had been that of vengeance on the barons, who, as he held, had betrayed him; but vengeance was impossible till he should return a conqueror from the fields of France. It was a sense of this danger which nerved the baronage to their obstinate refusal to follow him over sea: but furious as he was at their resistance, the archbishop's interposition condemned John still to wait for the hour of his revenge. In the spring of 1214 he crossed with what forces he could gather to Poitou, rallied its nobles round him, passed the Loire in triumph, and won back again Angers, the home of his race. At the same time Otto and the Count of Flanders, their German and Flemish knighthood strengthened by reinforcements from Boulogne as well as by a body of English troops under the Earl of Salisbury, threatened France from the north. For the moment Philip seemed lost: and yet on the fortunes of Philip hung the fortunes of English freedom. But in this crisis of her fate, France was true to herself and her king. From every borough of Northern France the townsmen marched to his rescue, and the village priests led their flocks to battle with the church-banners flying at their head. The two armies met at the close of July near the bridge of Bouvines, between Lille and Tournay, and from the first the day went against the allies. The Flemish knights were the first to fly; then the Germans in the center of the host were crushed by the overwhelming numbers of the French; last of all the English on the right of it were broken

by a fierce onset of the Bishop of Beauvais, who charged, mace in hand, and struck the Earl of Salisbury to the ground. The news of this complete overthrow reached John in the midst of his triumphs in the south, and scattered his hopes to the winds. He was at once deserted by the Poitevin nobles; and a hasty retreat alone enabled him to return in October, baffled and humiliated, to his island kingdom.

195. His return forced on the crisis to which events had so long been drifting. The victory at Bouvines gave strength to his opponents. The open resistance of the northern barons nerved the rest of their order to action. The great houses who had cast away their older feudal traditions for a more national policy were drawn by the crisis into close union with the families which had sprung from the ministers and councilors of the two Henries. To the first group belonged such men as Saher de Quinci, the Earl of Winchester, Geoffrey of Mandeville, Earl of Essex, the Earl of Clare, Fulk, Fitz-Warin, William Mallet, the houses of Fitz-Alan and Gant. Among the second group were Henry Bohun and Roger Bigod, the Earls of Hereford and Norfolk, the younger William Marshal, and Robert de Vere. Robert Fitz-Walter, who took the command of their united force, represented both parties equally, for he was sprung from the Norman house of Brionne, while the justiciar of Henry the Second, Richard de Lucy, had been his grandfather. Secretly, and on the pretext of pilgrimage, these nobles met at St. Edmundsbury, resolute to bear no longer with John's delays. If he refused to restore their liberties they

swore to make war on him till he confirmed them by charter under the king's seal, and they parted to raise forces with the purpose of presenting their demands at Christmas. John, knowing nothing of the coming storm, pursued his policy of winning over the church by granting it freedom of election, while he embittered still more the strife with his nobles by demanding scutage from the northern nobles who had refused to follow him to Poitou. But the barons were now ready to act, and early in January in the memorable year 1215 they appeared in arms to lay, as they had planned, their demands before the king.

196. John was taken by surprise. He asked for a truce till Easter-tide, and spent the interval in fevered efforts to avoid the blow. Again he offered freedom to the church, and took vows as a Crusader against whom war was a sacrilege, while he called for a general oath of allegiance and fealty from the whole body of his subjects. But month after month only showed the king the uselessness of further resistance. Though Pandulf was with him, his vassalage had as yet brought little fruit in the way of aid from Rome; the commissioners whom he sent to plead his cause at the shire-courts brought back news that no man would help him against the charter that the barons claimed: and his efforts to detach the clergy from the league of his opponents utterly failed. The nation was against the king. He was far, indeed, from being utterly deserted. His ministers still clung to him, men such as Geoffrey de Lucy, Geoffrey de Furnival, Thomas Basset, and William Briwere, statesmen trained in the adminis-

trative school of his father and who, dissent as they might from John's mere oppression, still looked on the power of the crown as the one barrier against feudal anarchy: and beside them stood some of the great nobles of royal blood, his father's bastard Earl William of Salisbury, his cousin Earl William of Warenne, and Henry Earl of Cornwall, a grandson of Henry the First. With him too remained Ranulf, Earl of Chester, and the wisest and noblest of the barons, William Marshal the elder, Earl of Pembroke. William Marshal had shared in the rising of the younger Henry against Henry the Second, and stood by him as he died; he had shared in the overthrow of William Longchamp and in the outlawry of John. He was now an old man, firm, as we shall see in his after-course, to recall the government to the path of freedom and law, but shrinking from a strife which might bring back the anarchy of Stephen's day, and looking for reforms rather in the bringing constitutional pressure to bear upon the king than in forcing them from him by arms.

197. But cling as such men might to John, they clung to him rather as mediators than adherents. Their sympathies went with the demands of the barons when the delay which had been granted was over, and the nobles again gathered in arms at Brackley in Northamptonshire to lay their claims before the king. Nothing marks more strongly the absolutely despotic idea of his sovereignty which John had formed than the passionate surprise which breaks out in his reply. "Why do they not ask for my kingdom?" he cried. "I will never grant such

liberties as will make me a slave!" The imperialist theories of the lawyers of his father's court had done their work. Held at bay by the practical sense of Henry, they had told on the more headstrong nature of his sons. Richard and John both held with Glanvill that the will of the prince was the law of the land; and to fetter that will by the customs and franchises which were embodied in the barons' claims seemed to John a monstrous usurpation of his rights. But no imperialist theories had touched the minds of his people. The country rose as one man at his refusal. At the close of May London threw open her gates to the forces of the barons, now arrayed under Robert Fitz-Walter as "Marshal of the Army of God and Holy Church." Exeter and Lincoln followed the example of the capital; promises of aid came from Scotland and Wales; the northern barons marched hastily under Eustace de Vesci to join their comrades in London. Even the nobles who had as yet clung to the king, but whose hopes of conciliation were blasted by his obstinacy, yielded at last to the summons of the "Army of God." Pandulf, indeed, and Archbishop Langton still remained with John, but they counseled, as Earl Ranulf and William Marshal counseled, his acceptance of the charter. None, in fact, counseled its rejection save his new justiciar, the Poitevin Peter des Roches, and other foreigners, who knew the barons purposed driving them from the land. But even the number of these was small; there was a moment when John found himself with but seven knights at his back and before him a nation in arms. Quick as he was, he

had been taken utterly by surprise. It was in vain that, in the short respite he had gained from Christmas to Easter, he had summoned mercenaries to his aid and appealed to his new suzerain, the pope. Summons and appeal were alike too late. Nursing wrath in his heart, John bowed to necessity and called the barons to a conference on an island in the Thames, between Windsor and Staines, near a marshy meadow by the river side, the meadow of Runnymede. The king encamped on one bank of the river, the barons covered the flat of Runnymede on the other. Their delegates met on the 15th of July in the island between them, but the negotiations were a mere cloak to cover John's purpose of unconditional submission. The Great Charter was discussed and agreed to in a single day.

198. Copies of it were made and sent for preservation to the cathedrals and churches, and one copy may still be seen in the British Museum, injured by age and fire, but with the royal seal still hanging from the brown, shriveled parchment. It is impossible to gaze without reverence on the earliest monument of English freedom which we can see with our own eyes and touch with our own hands, the great charter to which, from age to age, men have looked back as the groundwork of English liberty. But in itself the charter was no novelty, nor did it claim to establish any new constitutional principles. The charter of Henry the First formed the basis of the whole, and the additions to it are, for the most part, formal recognitions of the judicial and administrative changes introduced by Henry the Second.

What was new in it was its origin. In form, like the charter on which it was based, it was nothing but a royal grant. In actual fact it was a treaty between the whole English people and its king. In it England found itself for the first time since the conquest a nation bound together by common national interests, by a common national sympathy. In words which almost close the charter, the "community of the whole land" is recognized as the great body from which the restraining power of the baronage takes its validity. There is no distinction of blood or class, of Norman or not Norman, of noble or not noble. All are recognized as Englishmen: the rights of all are owned as English rights. Bishops and nobles claimed and secured at Runnymede the rights, not of baron and churchman only, but those of freeholder and merchant, of townsman and villein. The provisions against wrong and extortion which the barons drew up as against the king for themselves, they drew up as against themselves for their tenants. Based, too, as it professed to be, on Henry's charter, it was far from being a mere copy of what had gone before. The vague expressions of the old charter were now exchanged for precise and elaborate provisions. The bonds of unwritten custom which the older grant did little more than recognize had proved too weak to hold the Angevins; and the baronage set them aside for the restraints of written and defined law. It is in this way that the Great Charter marks the transition from the age of traditional rights, preserved in the nation's memory and officially declared by the primate, to the age of written

legislation, of parliaments and statutes, which was to come.

199. Its opening, indeed, is in general terms. The church had shown its power of self-defense in the struggle over the interdict, and the clause which recognized its rights alone retained the older and general form. But all vagueness ceases when the charter passes on to deal with the rights of Englishmen at large, their right to justice, to security of person and property, to good government. "No freeman," ran a memorable article that lies at the base of our whole judicial system, "shall be seized or imprisoned, or dispossessed, or outlawed, or in any way brought to ruin: we will not go against any man nor send against him, save by legal judgment of his peers or by the law of the land." "To no man will we sell," runs another, "or deny, or delay, right or justice." The great reforms of the past reigns were now formally recognized; judges of assize were to hold their circuits four times in the year, and the King's Court was no longer to follow the king in his wanderings over the realm, but to sit in a fixed place. But the denial of justice under John was a small danger compared with the lawless exactions both of himself and his predecessor. Richard had increased the amount of the scutage which Henry the Second had introduced, and applied it to raise funds for his ransom. He had restored the Danegeld, or land-tax, so often abolished, under the new name of "carucage;" had seized the wool of the Cistercians and the plate of the churches, and rated movables as well as land. John had again

raised the rate of scutage, and imposed aids, fines, and ransoms at his pleasure without counsel of the baronage. The Great Charter met this abuse by a provision on which our constitutional system rests. "No scutage or aid [other than the three customary feudal aids] shall be imposed in our realm save by the common council of the realm," and to this Great Council it was provided that prelates and the greater barons should be summoned by special writ, and all tenants in chief through the sheriffs and bailiffs at least forty days before. The provision defined what had probably been the common usage of the realm; but the definition turned it into a national right, a right so momentous that on it rests our whole parliamentary life. Even the baronage seem to have been startled when they realized the extent of their claim; and the provision was dropped from the later issue of the charter at the outset of the next reign. But the clause brought home to the nation at large their possession of a right which became dearer as years went by. More and more clearly the nation discovered that in these simple words lay the secret of political power. It was the right of self-taxation that England fought for under Earl Simon as she fought for it under Hampden. It was the establishment of this right which established English freedom.

200. The rights which the barons claimed for themselves they claimed for the nation at large. The boon of free and unbought justice was a boon for all, but a special provision protected the poor. The forfeiture of the freeman on conviction of felony was never to include his tenement, or that of the

merchant his wares, or that of the countryman, as Henry the Second had long since ordered, his wain. The means of actual livelihood were to be left even to the worst. The seizure of provisions, the exaction of forced labor, by royal officers was forbidden; and the abuses of the forest system were checked by a clause which disafforested all forests made in John's reign. The under-tenants were protected against all lawless exactions of their lords in precisely the same terms as these were protected against the lawless exactions of the crown. The towns were secured in the enjoyment of their municipal privileges, their freedom from arbitrary taxation, their rights of justice, of common deliberation, of regulation of trade. "Let the city of London have all its old liberties and its free customs, as well by land as by water. Besides this, we will and grant that all other cities, and boroughs, and towns, and ports, have all their liberties and free customs." The influence of the trading class is seen in two other enactments by which freedom of journeying and trade was secured to foreign merchants, and an uniformity of weights and measures was ordered to be enforced throughout the realm.

201. There remained only one question, and that the most difficult of all; the question how to secure this order which the charter established in the actual government of the realm. It was easy to sweep away the immediate abuses; the hostages were restored to their homes, the foreigners banished by a clause in the charter from the country. But it was less easy to provide means for the control of a king whom no

man could trust. By the treaty as settled at Runnymede a council of twenty-four barons were to be chosen from the general body of their order to enforce on John the observance of the charter, with the right of declaring war on the king should its provisions be infringed; and it was provided that the charter should not only be published throughout the whole country, but sworn to at every hundred-mote and town-mote by order from the king. "They have given me four-and-twenty over-kings," cried John in a burst of fury, flinging himself on the floor and gnawing sticks and straw in his impotent rage. But the rage soon passed into the subtle policy of which he was a master. After a few days he left Windsor; and lingered for months along the southern shore, waiting for news of the aid he had solicited from Rome and from the Continent. It was not without definite purpose that he had become the vassal of the papacy. While Innocent was dreaming of a vast Christian Empire with the pope at its head to enforce justice and religion on his under-kings, John believed that the papal protection would enable him to rule as tyrannically as he would. The thunders of the papacy were to be ever at hand for his protection, as the armies of England are at hand to protect the vileness and oppression of a Turkish Sultan or a Nizam of Hyderabad. His envoys were already at Rome, pleading for a condemnation of the charter. The after-action of the papacy shows that Innocent was moved by no hostility to English freedom. But he was indignant that a matter which might have been brought before his court of appeal

as over-lord should have been dealt with by armed revolt, and in this crisis both his imperious pride and the legal tendency of his mind swayed him to the side of the king who submitted to his justice. He annulled the Great Charter by a bull in August, and at the close of the year excommunicated the barons.

202. His suspension of Stephen Langton from the exercise of his office as primate was a more fatal blow. Langton hurried to Rome, and his absence left the barons without a head at a moment when the very success of their efforts was dividing them. Their forces were already disorganized when autumn brought a host of foreign soldiers from over sea to the king's standard. After starving Rochester into submission John found himself strong enough to march ravaging through the midland and northern counties, while his mercenaries spread like locusts over the whole face of the land. From Berwick the king turned back triumphant to coop up his enemies in London, while fresh papal excommunications fell on the barons and the city. But the burghers set Innocent at defiance, "The ordering of secular matters appertaineth not to the pope," they said, in words that seem like mutterings of the coming Lollardism; and at the advice of Simon Langton, the archbishop's brother, bells swung out, and mass was celebrated as before. Success, however, was impossible for the undisciplined militia of the country and the towns against the trained forces of the king, and despair drove the barons to listen to Fitz-Walter and the French party in their ranks, and to

seek aid from over sea. Philip had long been waiting the opportunity for his revenge upon John. In the April of 1216 his son Lewis accepted the crown in spite of Innocent's excommunications, and landed soon after in Kent with a considerable force. As the barons had foreseen, the French mercenaries who constituted John's host refused to fight against the French sovereign, and the whole aspect of affairs was suddenly reversed. Deserted by the bulk of his troops, the king was forced to fall rapidly back on the Welsh Marches, while his rival entered London and received the submission of the larger part of England. Only Dover held out obstinately against Lewis. By a series of rapid marches John succeeded in distracting the plans of the barons and in relieving Lincoln; then, after a short stay at Lynn, he crossed the Wash in a fresh movement to the north. In crossing, however, his army was surprised by the tide, and his baggage with the royal treasures washed away. Fever seized the baffled tyrant as he reached the Abbey of Swineshead; his sickness was inflamed by a gluttonous debauch; and on the 19th of October John breathed his last at Newark.

CHAPTER II.

HENRY THE THIRD.

1216-1232

203. THE death of John changed the whole face of English affairs. His son, Henry of Winchester, was but nine years old, and the pity which was

stirred by the child's helplessness was aided by a sense of injustice in burdening him with the iniquity of his father. At his death John had driven from his side even the most loyal of his barons; but William Marshal had clung to him to the last, and with him was Gualo, the legate of Innocent's successor, Honorius the Third. The position of Gualo as representative of the papal over-lord of the realm was of the highest importance, and his action showed the real attitude of Rome toward English freedom. The boy-king was hardly crowned at Gloucester when legate and earl issued in his name the very charter against which his father had died fighting. Only the clauses which regulated taxation and the summoning of Parliament were as yet declared to be suspended. The choice of William Marshal as "governor of king and kingdom" gave weight to this step; and its effect was seen when the contest was renewed in 1217. Lewis was at first successful in the eastern counties, but the political reaction was aided by jealousies which broke out between the English and French nobles in his force, and the first drew gradually away from him. So general was the defection that at the opening of summer William Marshal felt himself strong enough for a blow at his foes. Lewis himself was investing Dover, and a joint army of French and English barons under the Count of Perche and Robert Fitz-Walter was besieging Lincoln, when, gathering troops rapidly from the royal castles, the regent marched to the relief of the latter town. Cooped up in its narrow streets, and attacked at once by the earl and the garrison,

the barons fled in utter rout; the Count of Perche fell on the field; Robert Fitz-Walter was taken prisoner. Lewis at once retreated on London and called for aid from France. But a more terrible defeat crushed his remaining hopes. A small English fleet which set sail from Dover under Hubert de Burgh fell boldly on the reinforcements which were crossing under escort of Eustace the Monk, a well-known freebooter of the channel. Some incidents of the fight light up for us the naval warfare of the time. From the decks of the English vessels bowmen poured their arrows into the crowded transports, others hurled quicklime into their enemy's faces, while the more active vessels crashed with their armed prows into the sides of the French ships. The skill of the mariners of the Cinque Ports turned the day against the larger forces of their opponents, and the fleet of Eustace was utterly destroyed. The royal army at once closed upon London, but resistance was really at an end. By a treaty concluded at Lambeth in September, Lewis promised to withdraw from England on payment of a sum which he claimed as debt; his adherents were restored to their possessions, the liberties of London and other towns confirmed, and the prisoners on either side set at liberty! A fresh issue of the charter, though in its modified form, proclaimed yet more clearly the temper and policy of the Earl Marshal.

204. His death at the opening of 1219, after a year spent in giving order to the realm, brought no change in the system he had adopted. The control of affairs passed into the hands of a new legate, Pandulf, of

Stephen Langton, who had just returned forgiven from Rome, and of the justiciar, Hubert de Burgh. It was a time of transition, and the temper of the justiciar was eminently transitional. Bred in the school of Henry the Second, Hubert had little sympathy with national freedom, and, though resolute to maintain the charter, he can have had small love for it; his conception of good government, like that of his master, lay in a wise personal administration, in the preservation of order and law. But he combined with this a thoroughly English desire for national independence, a hatred of foreigners, and a reluctance to waste English blood and treasure in Continental struggles. Able as he proved himself, his task was one of no common difficulty. He was hampered by the constant interference of Rome. A papal legate resided at the English Court, and claimed a share in the administration of the realm as the representative of its over-lord and as guardian of the young sovereign. A foreign party, too, had still a footing in the kingdom, for William Marshal had been unable to rid himself of men like Peter des Roches or Faukes de Breauté, who had fought on the royal side in the struggle against Lewis. Hubert had to deal, too, with the anarchy which that struggle left behind it. From the time of the conquest the center of England had been covered with the domains of great houses, whose longings were for feudal independence, and whose spirit of revolt had been held in check partly by the stern rule of the kings and partly by the rise of a baronage sprung from the court and settled for the most part in the north. The oppression of John

united both the earlier and these newer houses in the struggle for the charter. But the character of each remained unchanged, and the close of the struggle saw the feudal party break out in their old lawlessness and defiance of the crown.

205. For a time the anarchy of Stephen's days seemed to revive. But the justiciar was resolute to crush it, and he was backed by the strenuous efforts of Stephen Langton. A new and solemn coronation of the young king in 1220 was followed by a demand for the restoration of the royal castles which had been seized by the barons and foreigners. The Earl of Chester, the head of the feudal baronage, though he rose in armed rebellion, quailed before the march of Hubert and the primate's threats of excommunication. A more formidable foe remained in the Frenchman, Faukes de Breauté, the sheriff of six counties, with six royal castles in his hands, and allied both with the rebel barons and Llewelyn of Wales. But in 1224 his castle of Bedford was besieged for two months; and on its surrender the stern justice of Hubert hung the twenty-four knights and their retainers, who formed the garrison, before its walls. The blow was effectual; the royal castles were surrendered by the barons, and the land was once more at peace. Freed from foreign soldiery, the country was also freed from the presence of the foreign legate. Langton wrested a promise from Rome that so long as he lived no future legate should be sent to England, and with Pandulf's resignation in 1221 the direct interference of the papacy in the government of the realm came to an end.

But even these services of the primate were small compared with his services to English freedom. Throughout his life the charter was the first object of his care. The omission of the articles which restricted the royal power over taxation in the charter, which was published at Henry's accession in 1216, was doubtless due to the archbishop's absence and disgrace at Rome. The suppression of disorder seems to have revived the older spirit of resistance among the royal ministers; for when Langton demanded a fresh confirmation of the charter in Parliament at London, William Brewer, one of the king's councilors, protested that it had been extorted by force, and was without legal validity. "If you loved the king, William," the primate burst out in anger, "you would not throw a stumbling-block in the way of the peace of the realm." The young king was cowed by the archbishop's wrath, and promised observance of the charter. But it may have been their consciousness of such a temper among the royal councilors that made Langton and the baronage demand, two years later, a fresh promulgation of the charter as the price of a subsidy, and Henry's assent established the principle, so fruitful of constitutional results, that redress of wrongs precedes a grant to the crown.

206. These repeated sanctions of the charter and the government of the realm year after year, in accordance with its provisions, were gradually bringing the new freedom home to the mass of Englishmen. But the sense of liberty was at this time quickened and intensified by a religious movement

which stirred English society to its depths. Never had the priesthood wielded such boundless power over Christendom as in the days of Innocent the Third and his immediate successors. But its religious hold on the people was loosening day by day. The old reverence for the papacy was fading away before the universal resentment at its political ambition, its lavish use of interdict and excommunication for purely secular ends, its degradation of the most sacred sentences into means of financial extortion.

In Italy the struggle that was opening between Rome and Frederick the Second disclosed a spirit of skepticism which, among the Epicurean poets of Florence, denied the immortality of the soul, and attacked the very foundations of the faith itself. In Southern Gaul, Languedoc and Provence had embraced the heresy of the Albigenses and thrown off all allegiance to the papacy. Even in England, though there were no signs as yet of religious revolt, and though the political action of Rome had been in the main on the side of freedom, there was a spirit of resistance to its interference with national concerns which broke out in the struggle against John. "The pope has no part in secular matters," had been the reply of London to the interdict of Honorius. And within the English church itself there was much call for reform. Its attitude in the strife for the charter, as well as the after work of the primate, had made it more popular than ever; but its spiritual energy was less than its political. The disuse of preaching, the decline of the monastic orders into rich land-owners, the non-residence and ignorance of the parish-

priests, lowered the religious influence of the clergy. The abuses of the time foiled even the energy of such men as Bishop Grosseteste, of Lincoln. His constitutions forbid the clergy to haunt taverns, to gamble, to share in drinking bouts, to mix in the riot and debauchery of the life of the baronage. But such prohibitions witness to the prevalence of the evils they denounce. Bishops and deans were still withdrawn from their ecclesiastical duties to act as ministers, judges, or ambassadors. Benefices were heaped in hundreds at a time on royal favorites like John Mansel. Abbeys absorbed the tithes of parishes and then served them by half-starved vicars, while exemptions purchased from Rome shielded the scandalous lives of canons and monks from all episcopal discipline. And behind all this was a group of secular statesmen and scholars, the successors of such critics as Walter Map, waging, indeed, no open warfare with the church, but noting with bitter sarcasm its abuses and its faults.

207. To bring the world back again within the pale of the church was the aim of two religious orders which sprang suddenly to life at the opening of the thirteenth century. The zeal of the Spaniard Dominic was roused at the sight of the lordly prelates who sought by fire and sword to win the Albigensian heretics to the faith. "Zeal," he cried, "must be met by zeal, lowliness by lowliness, false sanctity by real sanctity, preaching lies by preaching truth." His fiery ardor and rigid orthodoxy were seconded by the mystical piety, the imaginative enthusiasm of Francis of Assisi. The life of Francis

falls like a stream of tender light across the darkness of the time. In the frescoes of Giotto or the verse of Dante we see him take poverty for his bride. He strips himself of all, he flings his very clothes at his father's feet, that he may be one with Nature and God. His passionate verse claims the moon for his sister and the sun for his brother, he calls on his brother the Wind, and his sister the Water. His last faint cry was a "Welcome, Sister Death!" Strangely as the two men differed from each other, their aim was the same—to convert the heathen, to extirpate heresy, to reconcile knowledge with orthodoxy, above all to carry the Gospel to the poor. The work was to be done by an utter reversal of the older monasticism, by seeking personal salvation in effort for the salvation of their fellow-men, by exchanging the solitary of the cloister for the preacher, the monk for the "brother" or friar. To force the new "brethren" into entire dependence on those among whom they labored, their vow of poverty was turned into a stern reality; the "begging friars" were to subsist solely on alms, they might possess neither money nor lands, the very houses in which they lived were to be held in trust for them by others. The tide of popular enthusiasm which welcomed their appearance swept before it the reluctance of Rome, the jealousy of the older orders, the opposition of the parochial priesthood. Thousands of brethren gathered in a few years round Francis and Dominic; and the begging preachers, clad in coarse frock of serge with a girdle of rope round their waist, wandered barefooted as mission-

aries over Asia, battled with heresy in Italy and Gaul, lectured in the universities, and preached and toiled among the poor.

208. To the towns especially the coming of the friars was a religious revolution. They had been left for the most part to the worst and most ignorant of the clergy, the mass-priest whose sole subsistence lay in his fees. Burgher and artisan were left to spell out what religious instruction they might from the gorgeous ceremonies of the church's ritual or the scriptural pictures and sculptures which were graven on the walls of its minsters. We can hardly wonder at the burst of enthusiasm which welcomed the itinerant preacher whose fervid appeal, coarse wit, and familiar story brought religion into the fair and the market-place. In England, where the Black Friars of Dominic arrived in 1221, the Gray Friars of Francis in 1224, both were received with the same delight. As the older orders had chosen the country, the friars chose the town. They had hardly landed at Dover before they made straight for London and Oxford. In their ignorance of the road the first two gray brothers lost their way in the woods between Oxford and Baldon, and, fearful of night and of the floods, turned aside to a grange of the monks of Abingdon. Their ragged clothes and foreign gestures, as they prayed for hospitality, led the porter to take them for jongleurs, the jesters and jugglers of the day, and the news of this break in the monotony of their lives brought prior, sacrist, and cellarer to the door to welcome them and witness their tricks. The disappointment was too

much for the temper of the monks, and the brothers were kicked roughly from the gate to find their night's lodgings under a tree. But the welcome of the townsmen made up everywhere for the ill-will and opposition of both clergy and monks. The work of the friars was physical as well as moral. The rapid progress of population within the boroughs had outstripped the sanitary regulations of the Middle Ages, and fever or plague or the more terrible scourge of leprosy festered in the wretched hovels of the suburbs. It was to haunts such as these that Francis had pointed his disciples, and the gray brethren at once fixed themselves in the meanest and poorest quarters of each town. Their first work lay in the noisome lazar-houses; it was amongst the lepers that they commonly chose the site of their homes. At London they settled in the shambles of Newgate; at Oxford they made their way to the swampy ground between its walls and the streams of Thames. Huts of mud and timber, as mean as the huts around them, rose within the rough fence and ditch that bounded the friary. The order of Francis made a hard fight against the taste for sumptuous buildings and for greater personal comfort which characterized the time. "I didn't enter into religion to build walls," protested an English provincial when the brethren pressed for a larger house; and Albert of Pisa ordered a stone cloister, which the burgesses of Southampton had built for them, to be razed to the ground. "You need no little mountains to lift your heads to heaven," was his scornful reply to a claim for pillows. None but

the sick went shod. An Oxford friar found a pair of shoes one morning, and wore them at matins. At night he dreamed that robbers leapt on him in a dangerous pass between Gloucester and Oxford with shouts of "Kill, kill!" "I am a friar," shrieked the terror-stricken brother. "You lie," was the instant answer, "for you go shod." The friar lifted up his foot in disproof, but the shoe was there. In an agony of repentance he woke and flung the pair out of the window.

209. It was with less success that the order struggled against the passion of the time for knowledge. Their vow of poverty, rigidly interpreted as it was by their founders, would have denied them the possession of books or materials for study. "I am your breviary," Francis cried passionately to a novice who asked for a psalter. When the news of a great doctor's reception was brought to him at Paris, his countenance fell. "I am afraid, my son," he replied, "that such doctors will be the destruction of my vineyard. They are the true doctors who with the meekness of wisdom show forth good works for the edification of their neighbors." One kind of knowledge indeed their work almost forced on them. The popularity of their preaching soon led them to the deeper study of theology; within a short time after their establishment in England we find as many as thirty readers or lecturers appointed at Hereford, Leicester, Bristol, and other places, and a regular succession of teachers provided at each university. The Oxford Dominicans lectured on theology in the nave of their new church, while philoso-

phy was taught in the cloister. The first provincial of the Gray Friars built a school in their Oxford house and persuaded Grosseteste to lecture there. His influence after his promotion to the see of Lincoln was steadily exerted to secure theological study among the friars, as well as their establishment in the university; and in this work he was ably seconded by his scholar, Adam Marsh, or de Marisco, under whom the Franciscan school at Oxford attained a reputation throughout Christendom. Lyons, Paris, and Köln borrowed from it their professors; it was through its influence indeed that Oxford rose to a position hardly inferior to that of Paris itself as a center of scholasticism. But the result of this powerful impulse was soon seen to be fatal to the wider intellectual activity which had till now characterized the universities. Theology in its scholastic form resumed its supremacy in the schools. Its only efficient rivals were practical studies such as medicine and law. The last, as he was by far the greatest, instance of the freer and wider culture which had been the glory of the last century was Roger Bacon, and no name better illustrates the rapidity and completeness with which it passed away.

210. Roger Bacon was the child of royalist parents who were driven into exile and reduced to poverty by the civil wars. From Oxford, where he studied under Edmund of Abingdon, to whom he owed his introduction to the works of Aristotle, he passed to the university of Paris and spent his whole heritage there in costly studies and experiments. "From my youth up," he writes, "I have labored at the

sciences and tongues. I have sought the friendship of all men among the Latins who had any reputation for knowledge. I have caused youths to be instructed in languages, geometry, arithmetic, the construction of tables and instruments, and many needful things besides." The difficulties in the way of such studies as he had resolved to pursue were immense. He was without instruments or means of experiment. "Without mathematical instruments no science can be mastered," he complains afterwards, "and these instruments are not to be found among the Latins, nor could they be made for two or three hundred pounds. Besides, better tables are indispensably necessary, tables on which the motions of the heavens are certified from the beginning to the end of the world without daily labor, but these tables are worth a king's ransom and could not be made without a vast expense. I have often attempted the composition of such tables, but could not finish them through failure of means, and the folly of those whom I had to employ." Books were difficult and sometimes even impossible to procure. "The scientific works of Aristotle, of Avicenna, of Seneca, of Cicero, and other ancients cannot be had without great cost; their principal works have not been translated into Latin, and copies of others are not to be found in ordinary libraries or elsewhere. The admirable books of Cicero de Republica are not to be found anywhere, so far as I can hear, though I have made anxious inquiry for them in different parts of the world, and by various messengers. I could never find the works of Seneca, though I made dili-

gent search for them during twenty years and more. And so it is with many more most useful books connected with the science of morals." It is only words like these of his own that bring home to us the keen thirst for knowledge, the patience, the energy of Roger Bacon. He returned as a teacher to Oxford, and a touching record of his devotion to those whom he taught remains in the story of John of London, a boy of fifteen, whose ability raised him above the general level of his pupils. "When he came to me as a poor boy," says Bacon in recommending him to the pope, "I caused him to be nurtured and instructed for the love of God, especially since for aptitude and innocence I have never found so towardly a youth. Five or six years ago I caused him to be taught in languages, mathematics, and optics, and I have gratuitously instructed him with my own lips since the time that I received your mandate. There is no one at Paris who knows so much of the root of philosophy, though he has not produced the branches, flowers, and fruit, because of his youth, and because he has had no experience in teaching. But he has the means of surpassing all the Latins if he live to grow old and goes on as he has begun."

211. The pride with which he refers to his system of instruction was justified by the wide extension which he gave to scientific teaching in Oxford. It is probably of himself that he speaks when he tells us that "the science of optics has not hitherto been lectured on at Paris or elsewhere among the Latins, save twice at Oxford." It was a science on which

he had labored for ten years. But his teaching seems to have fallen on a barren soil. From the moment when the friars settled in the universities, scholasticism absorbed the whole mental energy of the student world. The temper of the age was against scientific or philosophical studies. The older enthusiasm for knowledge was dying down; the study of law was the one source of promotion, whether in Church or state; philosophy was discredited, literature in its purer forms became almost extinct. After forty years of incessant study, Bacon found himself, in his own words, "unheard, forgotten, buried." He seems at one time to have been wealthy, but his wealth was gone. "During the twenty years that I have specially labored in the attainment of wisdom, abandoning the path of common men, I have spent on these pursuits more than two thousand pounds, not to mention the cost of books, experiments, instruments, tables, the acquisition of languages, and the like. Add to all this the sacrifices I have made to procure the friendship of the wise and to obtain well-instructed assistants." Ruined and baffled in his hopes, Bacon listened to the counsels of his friend Grosseteste and renounced the world. He became a friar of the order of St. Francis, an order where books and study were looked upon as hindrances to the work which it had specially undertaken, that of preaching among the masses of the poor. He had written little. So far was he from attempting to write, that his new superiors prohibited him from publishing anything under pain of forfeiture of the book and penance of

bread and water. But we can see the craving of his mind, the passionate instinct of creation which marks the man of genius, in the joy with which he seized a strange opportunity that suddenly opened before him. "Some few chapters on different subjects, written at the entreaty of friends," seem to have got abroad, and were brought by one of the Pope's chaplains under the notice of Clement IV. The pope at once invited Bacon to write. But difficulties stood in his way. Materials, transcription, and other expenses for such a work as he projected would cost at least £60, and the pope sent not a penny. Bacon begged help from his family, but they were ruined like himself. No one would lend to a mendicant friar, and when his friends raised the money he needed, it was by pawning their goods in the hope of repayment from Clement. Nor was this all; the work itself, abstruse and scientific as was its subject, had to be treated in a clear and popular form to gain the papal ear. But difficulties which would have crushed another man only roused Roger Bacon to an almost superhuman energy. By the close of 1267 the work was done. The "greater work," itself in modern form a closely printed folio, with its successive summaries and appendices in the "lesser" and the "third" works (which make a good octavo more), were produced and forwarded to the pope within fifteen months.

212. No trace of this fiery haste remains in the book itself. The "*Opus Majus*" is alike wonderful in plan and detail. Bacon's main purpose, in the words of Dr. Whewell, is "to urge the necessity of

a reform in the mode of philosophizing, to set forth the reasons why knowledge had not made a greater progress, to draw back attention to sources of knowledge which had been unwisely neglected, to discover other sources which were yet wholly unknown, and to animate men to the undertaking by a prospect of the vast advantages which it offered." The development of his scheme is on the largest scale; he gathers together the whole knowledge of his time on every branch of science which it possessed, and as he passes them in review he suggests improvements in nearly all. His labors, both here and in his after-works, in the field of grammar and philology, his perseverance in insisting on the necessity of correct texts, of an accurate knowledge of languages, of an exact interpretation, are hardly less remarkable than his scientific investigations. From grammar he passes to mathematics, from mathematics to experimental philosophy. Under the name of mathematics indeed was included all the physical science of the time. "The neglect of it for nearly thirty or forty years," pleads Bacon passionately, "hath nearly destroyed the entire studies of Latin Christendom. For he who knows not mathematics cannot know any other sciences; and what is more, he cannot discover his own ignorance or find its proper remedies." Geography, chronology, arithmetic, and music are brought into something of scientific form, and like rapid sketches are given of the question of climate, hydrography, geography, and astrology. The subject of optics, his own especial study, is treated with greater fullness; he enters

into the question of the anatomy of the eye, besides discussing problems which lie more strictly within the province of optical science. In a word, the "greater work," to borrow the phrase of Dr. Whewell, is "at once the encyclopædia and the novum organum of the thirteenth century." The whole of the after-works of Roger Bacon—and treatise after treatise has of late been disentombed from our libraries—are but developments in detail of the magnificent conception he laid before Clement. Such a work was its own great reward. From the world around Roger Bacon could look for and found small recognition. No word of acknowledgment seems to have reached its author from the pope. If we may credit a more recent story, his writings only gained him a prison from his order. "Unheard, forgotten, buried," the old man died as he had lived, and it has been reserved for later ages to roll away the obscurity that had gathered round his memory, and to place first in the great roll of modern science the name of Roger Bacon.

213. The failure of Bacon shows the overpowering strength of the drift towards the practical studies, and above all towards theology in its scholastic guise. Aristotle, who had been so long held at bay as the most dangerous foe of mediæval faith, was now turned, by the adoption of his logical method in the discussion and definition of theological dogma, into its unexpected ally. It was this very method that led to "that unprofitable subtlety and curiosity" which Lord Bacon notes as the vice of the scholastic philosophy. But "certain it is"—to con-

tinue the same great thinker's comment on the friars—"that if these schoolmen to their great thirst of truth and unwearied travel of wit had joined variety of reading and contemplation, they had proved excellent lights to the great advancement of all learning and knowledge." What, amidst all their errors, they undoubtedly did was to insist on the necessity of rigid demonstration and a more exact use of words, to introduce a clear and methodical treatment of all subjects into discussion, and above all to substitute an appeal to reason for unquestioning obedience to authority. It was by this critical tendency, by the new clearness and precision which scholasticism gave to inquiry, that in spite of the trivial questions with which it often concerned itself it trained the human mind through the next two centuries to a temper which fitted it to profit by the great disclosure of knowledge that brought about the renascence. And it is to the same spirit of fearless inquiry, as well as to the strong popular sympathies which their very constitution necessitated, that we must attribute the influence which the friars undoubtedly exerted in the coming struggle between the people and the crown. Their position is clearly and strongly marked throughout the whole contest. The University of Oxford, which soon fell under the direction of their teaching, stood first in its resistance to papal exactions and its claim of English liberty. The classes in the towns, on whom the influence of the friars told most directly, were steady supporters of freedom throughout the barons' wars.

214. Politically, indeed, the teaching of the

schoolmen was of immense value, for it sat on a religious basis, and gave an intellectual form to the constitutional theory of the relations between king and people, which was slowly emerging from the struggle with the crown. In assuming the responsibility of a Christian king to God for the good government of his realm, in surrounding the pledges, whether of ruler or ruled, with religious sanctions, the mediæval church entered its protest against any personal despotism. The schoolmen pushed further still to the doctrine of a contract between king and people; and their trenchant logic made short work of the royal claims to irresponsible power and unquestioning obedience. "He who would be in truth a king," ran a poem which embodies their teaching at this time in pungent verse, "he is a 'free king' indeed if he rightly rule himself and his realm. All things are lawful to him for the government of his realm, but nothing is lawful to him for its destruction. It is one thing to rule according to a king's duty, another to destroy a kingdom by resisting the law." "Let the community of the realm advise, and let it be known what the generality, to whom their laws are best known, think on the matter. They who are ruled by the laws know those laws best; they who make daily trial of them are best acquainted with them; and since it is their own affairs which are at stake, they will take the more care and will act with an eye to their own peace." "It concerns the community to see what sort of men ought justly to be chosen for the weal of the realm." The constitutional restrictions on the royal author-

ity, the right of the whole nation to deliberate and decide on its own affairs, and to have a voice in the selection of the administrators of government, had never been so clearly stated before. But the importance of the friar's work lay in this, that the work of the scholar was supplemented by that of the popular preacher. The theory of government wrought out in cell and lecture room was carried over the length and breadth of the land, by the mendicant brother, begging his way from town to town, chatting with farmer or housewife at the cottage door, and setting up his portable pulpit in village green or market-place. His open-air sermons, ranging from impassioned devotion to coarse story and homely mother-wit, became the journals as well as the homilies of the day; political and social questions found place in them side by side with spiritual matters; and the rudest countryman learned his tale of a king's oppression or a patriot's hopes as he listened to the rambling, passionate, humorous discourse of the begging friar.

215. Never had there been more need of such a political education of the whole people than at the moment we have reached. For the triumph of the Charter, the constitutional government of governor and justiciar, had rested mainly on the helplessness of the king. As boy or youth, Henry the Third had bowed to the control of William Marshal, or Langton, or Hubert de Burgh. But he was now grown to manhood, and his character was from this hour to tell on the events of his reign. From the cruelty, the lust, the impiety of his father, the young king

was absolutely free. There was a geniality, a vivacity, a refinement in his temper which won a personal affection for him even in his worst days from some who bitterly censured his rule. The abbey-church of Westminster, with which he replaced the ruder minster of the Confessor, remains a monument of his artistic taste. He was a patron and friend of men of letters, and himself skilled in the "gay science" of the troubadour. But of the political capacity which was the characteristic of his house, he had little or none. Profuse, changeable, false from sheer meanness of spirit, impulsive alike in good and ill, unbridled in temper and tongue, reckless in insult and wit, Henry's delight was in the display of an empty and prodigal magnificence; his one notion of government was a dream of arbitrary power. But frivolous as the king's mood was, he clung with a weak man's obstinacy to a distinct line of policy; and this was the policy, not of Hubert or Langton, but of John. He cherished the hope of recovering his heritage across the sea. He believed in the absolute power of the crown, and looked on the pledges of the Great Charter as promises which force had wrested from the king, and which force could wrest back again. France was telling more and more on English opinion, and the claim which the French kings were advancing to a divine and absolute power gave a sanction in Henry's mind to the claim of absolute authority which was still maintained by his favorite advisers in the royal council. Above all he clung to the alliance with the papacy. Henry was personally devout, and his de-

votion only bound him the more firmly to his father's system of friendship with Rome. Gratitude and self-interest alike bound him to the papal see. Rome had saved him from ruin as a child; its legate had set the crown on his head; its threats and ex-communications had foiled Lewis, and built up again a royal party. Above all, it was Rome which could alone free him from his oath to the Charter, and which could alone defend him if, like his father, he had to front the baronage in arms.

216. His temper was now to influence the whole system of government. In 1227 Henry declared himself of age; and though Hubert still remained justiciar, every year saw him more powerless in his struggle with the tendencies of the king. The death of Stephen Langton in 1228 was a yet heavier blow to English freedom. In persuading Rome to withdraw her legate the primate had averted a conflict between the national desire for self-government and the papal claims of overlordship. But his death gave the signal for a more serious struggle, for it was in the oppression of the Church of England by the popes through the reign of Henry that the little rift first opened which was destined to widen into the gulf that parted the one from the other at the Reformation. In the medieval theory of the papacy, as Innocent and his successors held it, Christendom, as a spiritual realm of which the popes were the head, took the feudal form of the secular realms which lay within its pale. The pope was its sovereign, the bishops were his barons, and the clergy were his under-vassals. As the king demanded aids and sub-

sidies in case of need from his liegemen, so in the theory of Rome might the head of the church demand aid in need from the priesthood. And at this moment the need of the popes was sore. Rome had plunged into her desperate conflict with the emperor, Frederick the Second, and was looking everywhere for the means of recruiting her drained exchequer. On England she believed herself to have more than a spiritual claim for support. She regarded the kingdom as a vassal kingdom, and as bound to aid its overlord. It was only by the promise of a heavy subsidy that Henry, in 1229, could buy the papal confirmation of Langton's successor. But the baronage was of other mind than Henry as to this claim of overlordship, and the demand of an aid to Rome from the laity was at once rejected by them. Her spiritual claim over the allegiance of the clergy, however, remained to fall back upon, and the clergy were in the pope's hand. Gregory the Ninth had already claimed for the papal see a right of nomination to some prebends in each cathedral church; he now demanded a tithe of all the movables of the priesthood, and a threat of excommunication silenced their murmurs. Exaction followed exaction as the needs of the papal treasury grew greater. The very rights of lay patrons were set aside, and under the name of "reserves" presentations to English benefices were sold in the papal market, while Italian clergy were quartered on the best livings of the church.

217. The general indignation at last found vent in a wide conspiracy. In 1231, letters from "the whole body of those who prefer to die rather than be

ruined by the Romans'' were scattered over the kingdom by armed men; tithes gathered for the pope or the foreign priests were seized and given to the poor; the papal collectors were beaten and their bulls trodden under foot. The remonstrances of Rome only made clearer the national character of the movement; but as inquiry went on, the hand of the justiciar himself was seen to have been at work. Sheriffs had stood idly by while violence was done; royal letters had been shown by the rioters as approving their acts; and the pope openly laid the charge of the outbreak on the secret connivance of Hubert de Burgh. No charge could have been more fatal to Hubert in the mind of the king. But he was already in full collision with the justiciar on other grounds. Henry was eager to vindicate his right to the great heritage his father had lost: the Gascons, who still clung to him, not because they loved England, but because they hated France, spurred him to war; and in 1229 a secret invitation came from the Norman barons. But while Hubert held power no serious effort was made to carry on a foreign strife. The Norman call was rejected through his influence, and when a great armament gathered at Portsmouth for a campaign in Poitou, it dispersed for want of transport and supplies. The young king drew his sword and rushed madly on the justiciar, charging him with treason and corruption by the gold of France. But the quarrel was appeased and the expedition deferred for the year. In 1230 Henry actually took the field in Brittany and Poitou, but the failure of the campaign was again laid at the door

of Hubert, whose opposition was said to have prevented a decisive engagement. It was at this moment that the papal accusation filled up the measure of Henry's wrath against his minister. In the summer of 1232 he was deprived of his office of justiciar, and dragged from a chapel at Brentwood, where threats of death had driven him to take sanctuary. A smith who was ordered to shackle him stoutly refused. "I will die any death," he said, "before I put iron on the man who freed England from the stranger and saved Dover from France." The remonstrances of the Bishop of London forced the king to replace Hubert in sanctuary, but hunger compelled him to surrender; he was thrown a prisoner into the Tower, and though soon released he remained powerless in the realm. His fall left England without a check to the rule of Henry himself.

CHAPTER III.

THE BARONS' WAR.

1232-1272.

218. ONCE master of his realm, Henry the Third was quick to declare his plan of government. The two great checks on a merely personal rule lay as yet in the authority of the great ministers of state and in the national character of the administrative body which had been built up by Henry the Second. Both of these checks Henry at once set himself to remove. He would be his own minister. The justiciar ceased to be the lieutenant-general of the king and dwindled

into a presiding judge of the law-courts. The chancellor had grown into a great officer of state, and in 1226 this office had been conferred on the Bishop of Chichester by the advice and consent of the Great Council. But Henry succeeded in wresting the seal from him, and naming to this as to other offices at his pleasure. His policy was to intrust all high posts of government to mere clerks of the royal chapel; trained administrators, but wholly dependent on the royal will. He found equally dependent agents of administration by surrounding himself with foreigners. The return of Peter des Roches to the royal councils was the first sign of the new system; and hosts of hungry Poitevins and Bretons were summoned over to occupy the royal castles and fill the judicial and administrative posts about the court. The king's marriage, in 1236, to Eleanor of Provence was followed by the arrival in England of the new queen's uncles. The "Savoy," as his house in the Strand was named, still recalls Peter of Savoy, who arrived five years later to take for a while the chief place at Henry's council-board; another brother, Boniface, was consecrated on Archbishop Edmund's death to the highest post in the realm, save the crown itself, the Archbishopric of Canterbury. The young primate, like his brother, brought with him foreign fashions strange enough to English folk. His armed retainers pillaged the markets. His own archiepiscopal fist felled to the ground the prior of St. Bartholomew-by-Smithfield, who opposed his visitation. London was roused by the outrage; on the king's refusal to do justice a noisy crowd of citizens

surrounded the primate's house at Lambeth with cries of vengeance, and the "handsome archbishop," as his followers styled him, was glad to escape over sea. This brood of Provençals was followed in 1243 by the arrival of the Poitevin relatives of John's queen, Isabella of Angoulême. Aymer was made Bishop of Winchester; William of Valence received at a later time the earldom of Pembroke. Even the king's jester was a Poitevin. Hundreds of their dependents followed these great nobles to find a fortune in the English realm. The Poitevin lords brought in their train a bevy of ladies in search of husbands, and three English earls who were in royal wardship were wedded by the king to foreigners. The whole machinery of administration passed into the hands of men who were ignorant and contemptuous of the principles of English government or English law. Their rule was a mere anarchy; the very retainers of the royal household turned robbers and pillaged foreign merchants in the precincts of the court; corruption invaded the judicature; at the close of this period of misrule Henry de Bath, a justiciary, was proved to have openly taken bribes and to have adjudged to himself disputed estates.

219. That misgovernment of this kind should have gone on unchecked in defiance of the provisions of the charter was owing to the disunion and sluggishness of the English baronage. On the first arrival of the foreigners, Richard, the Earl Mareschal, a son of the great regent, stood forth as their leader to demand the expulsion of the strangers from the royal council. Though deserted by the bulk of the nobles,

he defeated the foreign troops sent against him, and forced the king to treat for peace. But at this critical moment the earl was drawn by an intrigue of Peter des Roches to Ireland; he fell in a petty skirmish, and the barons were left without a head. The interposition of a new primate, Edmund of Abingdon, forced the king to dismiss Peter from court; but there was no real change of system, and the remonstrances of the archbishop and of Robert Grosseteste, the Bishop of Lincoln, remained fruitless. In the long interval of misrule the financial straits of the king forced him to heap exaction on exaction. The forest laws were used as a means of extortion, sees and abbeys were kept vacant, loans were wrested from lords and prelates, the court itself lived at free quarters wherever it moved. Supplies of this kind, however, were utterly insufficient to defray the cost of the king's prodigality. A sixth of the royal revenue was wasted in pensions to foreign favorites. The debts of the crown amounted to four times its annual income. Henry was forced to appeal for aid to the Great Council of the realm, and aid was granted in 1237 on promise of control in its expenditure, and on condition that the king confirmed the charter. But charter and promise were alike disregarded; and in 1242 the resentment of the barons expressed itself in a determined protest and a refusal of further subsidies. In spite of their refusal, however, Henry gathered money enough for a costly expedition for the recovery of Poitou. The attempt ended in failure and shame. At Taillebourg the king's force fled in disgraceful rout before the

French as far as Saintes, and only the sudden illness of Lewis the Ninth and a disease which scattered his army saved Bordeaux from the conquerors. The treasury was utterly drained, and Henry was driven in 1244 to make a fresh appeal with his own mouth to the baronage. But the barons had now rallied to a plan of action, and we can hardly fail to attribute their union to the man who appears at their head. This was the Earl of Leicester, Simon of Montfort.

220. Simon was the son of another Simon of Montfort, whose name had become memorable for his ruthless crusade against the Albigensian heretics in southern Gaul, and who had inherited the earldom of Leicester through his mother, a sister and co-heiress of the last earl of the house of Beaumont. But as Simon's tendencies were for the most part French, John had kept the revenues of the earldom in his own hands, and on his death the claim of his elder son, Amaury, was met by the refusal of Henry the Third to accept a divided allegiance. The refusal marks the rapid growth of that sentiment of nationality which the loss of Normandy had brought home. Amaury chose to remain French, and by a family arrangement with the king's sanction the honor of Leicester passed in 1231 to his younger brother Simon. His choice made Simon an Englishman, but his foreign blood still moved the jealousy of the barons, and this jealousy was quickened by a secret match in 1238 with Eleanor, the king's sister and widow of the second William Marshal. The match formed probably part of a policy which Henry

pursued throughout his reign of bringing the great earldoms into closer connection with the crown. That of Chester had fallen to the king through the extinction of the family of its earls; Cornwall was held by his brother Richard; Salisbury by his cousin. Simon's marriage linked the earldom of Leicester to the royal house. But it at once brought Simon into conflict with the nobles and the church. The baronage, justly indignant that such a step should have been taken without their consent—for the queen still remained childless, and Eleanor's children by one whom they looked on as a stranger promised to be heirs of the crown—rose in a revolt which failed only through the desertion of their head, Earl Richard of Cornwall, who was satisfied with Earl Simon's withdrawal from the royal council. The censures of the church on Eleanor's breach of a vow of chaste widowhood which she had made at her first husband's death were averted with hardly less difficulty by a journey to Rome. It was after a year of trouble that Simon returned to England to reap, as it seemed, the fruits of his high alliance. He was now formally made Earl of Leicester and re-entered the royal council. But it is probable that he still found there the old jealousy which had forced from him a pledge of retirement after his marriage; and that his enemies now succeeded in winning over the king. In a few months, at any rate, he found the changeable king alienated from him, he was driven by a burst of royal passion from the realm, and was forced to spend seven months in France.

221. Henry's anger passed as quickly as it had

risen, and in the spring of 1240 the earl was again received with honor at court. It was from this moment, however, that his position changed. As yet it had been that of a foreigner, confounded in the eyes of the nation at large with the Poitevins and Provençals who swarmed about the court. But in the years of retirement which followed Simon's return to England his whole attitude was reversed. There was as yet no quarrel with the king; he followed him in a campaign across the channel, and shared in his defeat at Saintes. But he was a friend of Grosse-teste and a patron of the friars, and became at last known as a steady opponent of the misrule about him. When prelates and barons chose twelve representatives to confer with Henry in 1244, Simon stood with Earl Richard of Cornwall at the head of them. A definite plan of reform disclosed his hand. The confirmation of the charter was to be followed by the election of justiciar, chancellor, treasurer in the Great Council. Nor was this restoration of a responsible ministry enough; a perpetual council was to attend the king and devise further reforms. The plan broke against Henry's resistance and a papal prohibition; but from this time the earl took his stand in the front rank of the patriot leaders. The struggle of the following years was chiefly with the exactions of the papacy, and Simon was one of the first to sign the protest which the Parliament in 1246 addressed to the court of Rome. He was present at the Lent Parliament of 1248, and we can hardly doubt that he shared in its bold rebuke of the king's misrule and its renewed demand for the appointment

of the higher officers of state by the council. It was probably a sense of the danger of leaving at home such a center of all efforts after reform that brought Henry to send him, in the autumn of 1248, as Seneschal of Gascony to save for the crown the last of its provinces over sea.

222. Threatened by France and by Navarre without as well as by revolt within, the loss of Gascony seemed close at hand; but in a few months the stern rule of the new seneschal had quelled every open foe within or without its bounds. To bring the province to order proved a longer and a harder task. Its nobles were like the robber-nobles of the Rhine: "They rode the country by night," wrote the earl, "like thieves, in parties of twenty or thirty or forty," and gathered in leagues against the seneschal, who set himself to exact their dues to the crown and to shield merchant and husbandman from their violence. For four years Earl Simon steadily warred down these robber bands, storming castles where there was need, and bridling the wilder country with a chain of forts. Hard as the task was, his real difficulty lay at home. Henry sent neither money nor men; and the earl had to raise both from his own resources, while the men whom he was fighting found friends in Henry's council-chamber. Again and again Simon was recalled to answer charges of tyranny and extortion made by the Gascon nobles and pressed by his enemies at home on the king. Henry's feeble and impulsive temper left him open to pressure like this; and though each absence of the earl from the province was a signal for fresh outbreaks of disorder

which only his presence repressed, the deputies of its nobles were still admitted to the council-table and commissions sent over to report on the seneschal's administration. The strife came to a head in 1252, when the commissioners reported that, stern as Simon's rule had been, the case was one in which sternness was needful. The English barons supported Simon, and in the face of their verdict Henry was powerless. But the king was now wholly with his enemies; and his anger broke out in a violent altercation. The earl offered to resign his post if the money he had spent was repaid him, and appealed to Henry's word. Henry hotly retorted that he was bound by no promise to a false traitor. Simon at once gave Henry the lie; "and but that thou bearest the name of king it had been a bad hour for thee when thou utterest such a word!" A formal reconciliation was brought about, and the earl once more returned to Gascony, but before winter had come he was forced to withdraw to France. The greatness of his reputation was shown in an offer which its nobles made him of the regency of their realm during the absence of King Lewis from the land. But the offer was refused; and Henry, who had himself undertaken the pacification of Gascony, was glad before the close of 1253 to recall its old ruler to do the work he had failed to do.

223. The earl's character had now thoroughly developed. He inherited the strict and severe piety of his father; he was assiduous in his attendance on religious services, whether by night or day. In his correspondence with Adam Marsh, we see him find-

ing patience under his Gascon troubles in a perusal of the Book of Job. His life was pure and singularly temperate; he was noted for his scant indulgence in meat, drink, or sleep. Socially he was cheerful and pleasant in talk; but his natural temper was quick and ardent, his sense of honor keen, his speech rapid and trenchant. His impatience of contradiction, his fiery temper, were in fact the great stumbling-blocks in his after career. His best friends marked honestly this fault, and it shows the greatness of the man that he listened to their remonstrances. "Better is a patient man," writes honest Friar Adam, "than a strong man, and he who can rule his own temper than he who storms a city." But the one characteristic which overmastered all was what men at that time called his "constancy," the firm immovable resolve which trampled even death under foot in its loyalty to the right. The motto which Edward the First chose as his device, "Keep troth," was far truer as the device of Earl Simon. We see in his correspondence with what a clear discernment of its difficulties, both at home and abroad, he "thought it unbecoming to decline the danger of so great an exploit" as the reduction of Gascony to peace and order; but once undertaken, he persevered in spite of the opposition he met with, the failure of all support or funds from England, and the king's desertion of his cause, till the work was done. There was the same steadiness of will and purpose in his patriotism. The letters of Robert Grosseteste show how early Simon had learned to sympathize with the bishop in his resistance to

Rome, and at the crisis of the contest he offered him his own support and that of his associates. But Robert passed away, and as the tide of misgovernment mounted higher and higher the earl silently trained himself for the day of trial. The fruit of his self-discipline was seen when the crisis came. While other men wavered and faltered and fell away, the enthusiastic love of the people clung to the grave, stern soldier who "stood like a pillar," unshaken by promise or threat or fear of death, by the oath he had sworn.

224. While Simon had been warring with Gascon rebels affairs in England had been going from bad to worse. The scourge of papal taxation fell heavier on the clergy. After vain appeals to Rome and to the king, Archbishop Edmund retired to an exile of despair at Pontigny, and tax-gatherer after tax-gatherer with powers of excommunication, suspension from orders, and presentation to benefices, descended on the unhappy priesthood. The wholesale pillage kindled a wide spirit of resistance. Oxford gave the signal by hunting a papal legate out of the city amid cries of "usurer" and "simoniac" from the mob of students. Fulk Fitz-Warrenne, in the name of the barons, bade a papal collector begone out of England. "If you tarry here three days longer," he added, "you and your company shall be cut to pieces." For a time Henry himself was swept away by the tide of national indignation. Letters from the king, the nobles, and the prelates protested against the papal exactions, and orders were given that no money should be exported from the realm. But the threat

of interdict soon drove Henry back on a policy of spoliation in which he went hand in hand with Rome. The temper which this oppression begot among even the most sober churchmen has been preserved for us by an annalist whose pages glow with the new outburst of patriotic feeling. Matthew Paris is the greatest, as he in reality is the last of our monastic historians. The school of St. Alban's survived, indeed, till a far later time, but its writers dwindle into mere annalists whose view is bounded by the abbey precincts and whose work is as colorless as it is jejune. In Matthew the breadth and precision of the narrative, the copiousness of his information on topics whether national or European, the general fairness and justice of his comments, are only surpassed by the patriotic fire and enthusiasm of the whole. He had succeeded Roger of Wendover as chronicler at St. Alban's; and the Greater Chronicle with an abridgment at it which long passed under the name of Matthew of Westminster, a "History of the English," and the "Lives of the Earlier Abbots," are only a few among the voluminous works which attest his prodigious industry. He was an artist as well as an historian, and many of the manuscripts which are preserved are illustrated by his own hand. A large circle of correspondents—bishops like Grosseteste, ministers like Hubert de Burgh, officials like Alexander de Swereford—furnished him with minute accounts of political and ecclesiastical proceedings. Pilgrims from the East and papal agents brought news of foreign events to his scriptorium at St. Alban's. He had access to

and quotes largely from state documents, charters, and exchequer rolls. The frequency of royal visits to the abbey brought him a store of political intelligence, and Henry himself contributed to the great chronicle which has preserved with so terrible a faithfulness the memory of his weakness and misgovernment. On one solemn feast-day the king recognized Matthew, and, bidding him sit on the middle step between the floor and the throne, begged him to write the story of the day's proceedings. While on a visit to St. Alban's he invited him to his table and chamber, and enumerated by name 250 of the English baronies for his information. But all this royal patronage has left little mark on his work. "The case," as Matthew says, "of historical writers is hard, for if they tell the truth they provoke men, and if they write what is false they offend God." With all the fullness of the school of court historians, such as Benedict and Hoveden, to which in form he belonged, Matthew Paris combines an independence and patriotism which is strange to their pages. He denounces with the same unsparing energy the oppression of the papacy and of the king. His point of aim is neither that of a courtier nor of a churchman, but of an Englishman, and the new national tone of his chronicle is but the echo of a national sentiment which at last bound nobles and yeomen and churchmen together into a people resolute to wrest freedom from the crown.

225. The nation was outraged like the church. Two solemn confirmations of the charter failed to bring about any compliance with its provisions. In 1248, in

1249, and again in 1255 the great council fruitlessly renewed its demand for a regular ministry, and the growing resolve of the nobles to enforce good government was seen in their offer of a grant on condition that the great officers of the crown were appointed in the council of the baronage. But Henry refused their offer with scorn and sold his plate to the citizens of London to find payment for his household. A spirit of mutinous defiance broke out on the failure of all legal remedy. When the Earl of Norfolk refused him aid Henry answered with a threat. "I will send reapers and reap your fields for you," he said. "And I will send you back the heads of your reapers," replied the earl. Hampered by the profusion of the court and the refusal of supplies, the crown was in fact penniless; and yet never was money more wanted, for a trouble which had long pressed upon the English kings had now grown to a height that called for decisive action. Even his troubles at home could not blind Henry to the need of dealing with the difficulty of Wales. Of the three Welsh states into which all that remained unconquered of Britain had been broken by the victories of Deorham and Chester, two had long ceased to exist. The country between the Clyde and the Dee had been gradually absorbed by the conquests of Northumbria and the growth of the Scot monarchy. West Wales, between the British Channel and the estuary of the Severn, had yielded to the sword of Ecgberht. But a fiercer resistance prolonged the independence of the great central portion which alone, in modern language, preserves the

name of Wales. Comprising in itself the largest and most powerful of the British kingdoms, it was aided in its struggle against Mercia by the weakness of its assailant, the youngest and feeblest of the English states, as well as by an internal warfare which distracted the energies of the invaders. But Mercia had no sooner risen to supremacy among the English kingdoms than it took the work of conquest vigorously in hand. Offa tore from Wales the border-land between the Severn and the Wye; the raids of his successors carried fire and sword into the heart of the country; and an acknowledgment of the Mercian overlordship was wrested from the Welsh princes. On the fall of Mercia this overlordship passed to the West-Saxon kings and the laws of Howel Dda own the payment of a yearly tribute by "the Prince of Aberffraw" to "the King of London." The weakness of England during her long struggle with the Danes revived the hopes of British independence; it was the co-operation of the Welsh on which the Northmen reckoned in their attack on the house of Ecgberht. But with the fall of the Danelagh the British princes were again brought to submission, and when in the midst of the Confessor's reign the Welsh seized on a quarrel between the houses of Leofric and Godwine to cross the border and carry their attacks into England itself, the victories of Harold reasserted the English supremacy. Disembarking on the coast his light-armed troops he penetrated to the heart of the mountains, and the successors of the Welsh prince Gruffydd, whose head was the trophy of the campaign, swore

to observe the old fealty and render the whole tribute to the English crown.

226. A far more desperate struggle began when the wave of Norman conquest broke on the Welsh frontier. A chain of great earldoms, settled by William along the border-land, at once bridled the old marauding forays. From his county palatine of Chester, Hugh the Wolf harried Flintshire into a desert; Robert of Belesme, in his earldom of Shrewsbury, "slew the Welsh," says a chronicler, "like sheep, conquered them, enslaved them, and flayed them with nails of iron." The earldom of Gloucester curbed Britain along the lower Severn. Backed by these greater baronies a horde of lesser adventurers obtained the royal "license to make conquest on the Welsh." Monmouth and Abergavenny were seized and guarded by Norman castellans; Bernard of Neufmarché won the lordship of Brecknock; Roger of Montgomery razed the town and fortress in Powysland which still preserves his name. A great rising of the whole people in the days of the second William won back some of this Norman spoil. The new castle of Montgomery was burned, Brecknock and Cardigan were cleared of the invaders, and the Welsh poured ravaging over the English border. Twice the red king carried his arms fruitlessly among the mountains against enemies who took refuge in their fastnesses till famine and hardship drove his broken host into retreat. The wiser policy of Henry the First fell back on his father's system of gradual conquest. A new tide of invasion flowed along the southern coast, where the land was level and open

and accessible from the sea. The attack was aided by strife in the country itself. Robert Fitz-Hamo, the lord of Gloucester, was summoned to his aid by a Welsh chieftain; and his defeat of Rhys ap Tewdor, the last prince under whom Southern Wales was united, produced an anarchy which enabled Robert to land safely on the coast of Glamorgan, to conquer the country round, and to divide it among his soldiers. A force of Flemings and Englishmen followed the Earl of Clare as he landed near Milford Haven, and, pushing back the British inhabitants, settled a "Little England" in the present Pembrokeshire. A few daring adventures accompanied the Norman lord of Kemeys into Cardigan, where land might be had for the winning by any one who would "wage war on the Welsh."

227. It was at this moment, when the utter subjugation of the British race seemed at hand, that a new outburst of energy rolled back the tide of invasion and changed the fitful resistance of the separate Welsh provinces into a national effort to regain independence. To all outer seeming Wales had become utterly barbarous. Stripped of every vestige of the older Roman civilization by ages of bitter warfare, of civil strife, of estrangement from the general culture of Christendom, the unconquered Britons had sunk into a mass of savage herdsmen, clad in the skins and fed by the milk of the cattle they tended. Faithless, greedy, and revengeful, retaining no higher political organization than that of the clan, their strength was broken by ruthless feuds, and they were united only in battle or in raid against the

stranger. But in the heart of the wild people there still lingered a spark of the poetic fire which had nerved it 400 years before through Aneurin and Llywarch Hen to its struggle with the earliest Englishmen. At the hour of its lowest degradation the silence of Wales was suddenly broken by a crowd of singers. The song of the twelfth century burst forth, not from one bard or another, but from the nation at large. The Welsh temper, indeed, was steeped in poetry. "In every house," says the shrewd Gerald du Barri, "strangers who arrived in the morning were entertained till eventide with the talk of maidens and the music of the harp." A romantic literature, which was destined to leaven the fancy of Western Europe, had grown up among this wild people and found an admirable means of utterance in its tongue. The Welsh language was as real a development of the old Celtic language heard by Cæsar as the Romance tongues are developments of Cæsar's Latin, but, at a far earlier date than any other language of modern Europe, it had attained to definite structure and to settled literary form. No other mediæval literature shows at its outset the same elaborate and completed organization as that of the Welsh. But within these settled forms the Celtic fancy played with a startling freedom. In one of the later poems Gwion the Little transforms himself into a hare, a fish, a bird, a grain of wheat; but he is only the symbol of the strange shapes in which the Celtic fancy embodies itself in the romantic tales which reached their highest perfection in the legends of Arthur.

228. The gay extravagance of these "Mabinogion" flings defiance to all fact, tradition, probability, and revels in the impossible and unreal. When Arthur sails into the unknown world it is in a ship of glass. The "descent into hell," as a Celtic poet paints it, shakes off the mediæval horror with the mediæval reverence, and the knight who achieves the quest spends his years of infernal durance in hunting and minstrelsy, and in converse with fair women. The world of the Mabinogion is a world of pure fantasy, a new earth of marvels and enchantments, of dark forests whose silence is broken by the hermit's bell, and sunny glades where the light plays on the hero's armor. Each figure, as it moves across the poet's canvas, is bright with glancing color. "The maiden was clothed in a robe of flame-colored silk, and about her neck was a collar of ruddy gold in which were precious emeralds and rubies. Her head was of brighter gold than the flower of the broom, her skin was whiter than the foam of the wave, and fairer were her hands and her fingers than the blossoms of the wood-anemone amid the spray of the meadow fountain. The eye of the trained hawk, the glance of the falcon, was not brighter than hers. Her bosom was more snowy than the breast of the white swan, her cheek was redder than the reddest roses." Everywhere there is an Oriental profusion of gorgeous imagery, but the gorgeousness is seldom oppressive. The sensibility of the Celtic temper, so quick to perceive beauty, so eager in its thirst for life, its emotions, its adventures, its sorrows, its joys, is tempered by a passionate melancholy that

expresses its revolt against the impossible, by an instinct of what is noble, by a sentiment that discovers the weird charm of nature. The wildest extravagance of the tale-teller is relieved by some graceful play of pure fancy, some tender note of feeling, some magical touch of beauty. As Kalweh's greyhounds bound from side to side of their master's steed, they "sport round him like two sea-swallows." His spear is "swifter than the fall of the dewdrop from the blade of reed-grass upon the earth when the dew of June is at the heaviest." A subtle, observant love of nature and natural beauty takes fresh color from the passionate human sentiment with which it is imbued. "I love the birds," sings Gwalchmai, "and their sweet voices in the lulling songs of the wood;" he watches at night beside the fords "among the untrodden grass," to hear the nightingale and watch the play of the sea-mew. Even patriotism takes the same picturesque form. The Welsh poet hates the flat and sluggish land of the Saxon; as he dwells on his own he tells of "its sea-coast and its mountains, its towns on the forest-border, its fair landscape, its dales, its waters, and its valleys, its white sea-mews, its beauteous women." Here as everywhere the sentiment of nature passes swiftly and subtly into the sentiment of a human tenderness: "I love its fields clothed with tender trefoil," goes on the song; "I love the marches of Merioneth, where my head was pillowed on a snow-white arm." In the Celtic love of woman there is little of the Teutonic depth and earnestness, but in its stead a child-like spirit of delicate enjoyment, a faint distant flush of passion like

the rose-light of dawn on a snowy mountain peak, a playful delight in beauty. "White is my love as the apple blossom, as the ocean's spray; her face shines like the pearly dew on Eryri; the glow of her cheeks is like the light of sunset." The buoyant and elastic temper of the French *trouveur* was spiritualized in the Welsh singers by a more refined poetic feeling. "Whoso beheld her was filled with her love. Four white trefoils sprang up wherever she trod." A touch of pure fancy such as this removes its object out of the sphere of passion into one of delight and reverence.

229. It is strange to pass from the world of actual Welsh history into such a world as this. But side by side with this wayward, fanciful stream of poesy and romance ran a torrent of intenser song. The spirit of the earlier bards, their joy in battle, their love of freedom, broke out anew in ode after ode, in songs extravagant, monotonous, often prosaic, but fused into poetry by the intense fire of patriotism which glowed within them. Every fight, every hero, had its verse. The names of older singers, of Taliesin, Aneurin, and Llywarch Hen, were revived in bold forgeries to animate the national resistance and to prophesy victory. It was in North Wales that the spirit of patriotism received its strongest inspiration from this burst of song. Again and again Henry the Second was driven to retreat from the impregnable fastnesses where the "Lords of Snowdon," the princes of the house of Gruffydd ap Conan, claimed supremacy over the whole of Wales. Once in the pass Consilt a cry arose that the king was

slain, Henry of Essex flung down the royal standard, and the king's desperate efforts could hardly save his army from utter rout. The bitter satire of the Welsh singers bade him knight his horse, since its speed had alone saved him from capture. In a later campaign the invaders were met by storms of rain, and forced to abandon their baggage in a headlong flight to Chester. The greatest of the Welsh odes, that known to English readers in Gray's translation as "The Triumph of Owen," is Gwalchmai's song of victory over the repulse of an English fleet from Abermenai.

230. The long reign of Llewellyn, the son of Jorwerth, seemed destined to realize the hopes of his countrymen. The homage which he succeeded in extorting from the whole of the Welsh chieftains during a reign which lasted from 1194 to 1240 placed him openly at the head of his race, and gave a new character to its struggle with the English king. In consolidating his authority within his own domains, and in the assertion of his lordship over the princes of the south, Llewellyn ap Jorwerth aimed steadily at securing the means of striking off the yoke of the Saxon. It was in vain that John strove to buy his friendship by the hand of his natural daughter Johanna. Fresh raids on the Marches forced the king to enter Wales in 1211; but, though his army reached Snowdon, it fell back like its predecessors, starved and broken, before an enemy it could never reach. A second attack in the same year had better success. The chieftains of South Wales were drawn from their new allegiance to join the English forces, and Llewellyn, prisoned in his fastnesses, was at last

driven to submit. But the ink of the treaty was hardly dry before Wales was again on fire; a common fear of the English once more united its chieftains, and the war between John and his barons soon removed all dread of a new invasion. Absolved from his allegiance to an excommunicated king, and allied with the barons under Fitz-Walter—too glad to enlist in their cause a prince who could hold in check the nobles of the border country where the royalist cause was strongest—Llewellyn seized his opportunity to reduce Shrewsbury, to annex Powys, the central district of Wales, where the English influence had always been powerful, to clear the royal garrisons from Caermarthen and Cardigan, and to force even the Flemings of Pembroke to do him homage.

231. England watched these efforts of the subject race with an anger still mingled with contempt. "Who knows not," exclaims Matthew Paris as he dwells on the new pretensions of the Welsh ruler—"who knows not that the Prince of Wales is a petty vassal of the King of England?" But the temper of Llewellyn's own people was far other than the temper of the English chronicler. The hopes of Wales rose higher and higher with each triumph of the lord of Snowdon. His court was crowded with bardic singers. "He pours," sings one of them, "his gold into the lap of the bard as the ripe fruit falls from the trees." Gold, however, was hardly needed to wake their enthusiasm. Poet after poet sang of "the Devastator of England," the "Eagle of men that loves not to lie nor sleep," "towering above the

rest of men with his long red lance," his "red helmet of battle crested with a fierce wolf." "The sound of his coming is like the roar of the wave as it rushes to the shore, that can neither be stayed nor hushed." Lesser bards strung together Llewellyn's victories in rough jingle of rhyme, and hounded him on to the slaughter. "Be of good courage in the slaughter," sings Elidir; "cling to thy work, destroy England, and plunder its multitudes." A fierce thirst for blood runs through the abrupt, passionate verses of the court singers. "Swansea, that tranquil town was broken in heaps," burst out a triumphant bard; "St. Clears, with its bright white lands, it is not Saxons who hold it now!" "In Swansea, the key of Lloegria, we made widows of all the wives." "The dread Eagle is wont to lay corpses in rows, and to feast with the leader of wolves, and with hovering ravens glutted with flesh, butchers with keen scent of carcasses." "Better," closes the song,— "better the grave than the life of a man who sighs when the horns call him forth to the squares of battle."

232. But even in bardic verse Llewellyn rises high out of the mere mob of chieftains who live by rapine, and boast, as the Hirlas-horn passes from hand to hand through the hall, that "they take and give no quarter." "Tender hearted, wise, witty, ingenious," he was "the great Cæsar" who was to gather beneath his sway the broken fragments of the Celtic race. Mysterious prophecies, the prophecies of Merlin the Wise, which floated from lip to lip, and were heard even along the Seine and the Rhine, came home

again to nerve Wales to its last struggle with the stranger. Medrawd and Arthur, men whispered, would appear once more on earth to fight over again the fatal battle of Camlan, in which the hero-king perished. The last conqueror of the Celtic race, Cadwallon, still lived to combat for his people. The supposed verses of Taliesin expressed the undying hope of a restoration of the Cymry. "In their hands shall be all the land from Brittany to Man . . . a rumor shall arise that the Germans are moving out of Britain back again to their fatherland." Gathered up in the strange work of Geoffry of Monmouth, these predictions had long been making a deep impression, not on Wales only, but on its conquerors. It was to meet the dreams of a yet living Arthur that the grave of the legendary hero-king at Glastonbury was found and visited by Henry the Second. But neither trick nor conquest could shake the firm faith of the Celt in the ultimate victory of his race. "Think you," said Henry to a Welsh chieftain who joined his host, "that your people of rebels can withstand my army?" "My people," replied the chieftain, "may be weakened by your might, and even in great part destroyed, but unless the wrath of God be on the side of its foe it will not perish utterly. Nor deem I that other race or other tongue will answer for this corner of the world before the Judge of all at the last day save this people and tongue of Wales." So ran the popular rhyme: "Their Lord they will praise, their speech they shall keep, their land they shall lose—except wild Wales."

233. Faith and prophecy seemed justified by the growing strength of the British people. The weakness and dissensions which characterized the reign of Henry the Third enabled Llewellyn ap Jorwerth to preserve a practical independence till the close of his life, when a fresh acknowledgment of the English supremacy was wrested from him by Archbishop Edmund. But the triumphs of his arms were renewed by Llewellyn, the son of Gryffydd, who followed him in 1246. The raids of the new chieftain swept the border to the very gates of Chester, while his conquest of Glamorgan seemed to bind the whole people together in a power strong enough to meet any attack from the stranger. So pressing was the danger that it called the king's eldest son, Edward, to the field; but his first appearance in arms ended in a crushing defeat. The defeat, however, remained unavenged. Henry's dreams were of mightier enterprises than the reduction of the Welsh. The popes were still fighting their weary battle against the house of Hohenstaufen, and were offering its kingdom of Sicily, which they regarded as a forfeited fief of the Holy See, to any power that would aid them in the struggle. In 1254 it was offered to the king's second son, Edmund. With imbecile pride Henry accepted the offer, prepared to send an army across the Alps, and pledged England to repay the sums which the pope was borrowing for the purposes of his war. In a parliament at the opening of 1257 he demanded an aid, and a tenth from the clergy. A fresh demand was made in 1258. But the patience of the realm was at last exhausted. Earl Simon had

returned in 1253 from his government of Gascony, and the fruit of his meditations during the four years of his quiet stay at home, a quiet broken only by short embassies to France, and Scotland, which showed there was as yet no open quarrel with Henry, was seen in a league of the baronage, and in their adoption of a new and startling policy. The past half century had shown both the strength and weakness of the charter; its strength as a rallying-point for the baronage, and a definite assertion of rights which the king could be made to acknowledge; its weakness in providing no means for the enforcement of its own stipulations. Henry had sworn again and again to observe the charter, and his oath was no sooner taken than it was unscrupulously broken. The barons had secured the freedom of the realm; the secret of their long patience during the reign of Henry lay in the difficulty of securing its right administration. It was this difficulty which Earl Simon was prepared to solve when action was forced on him by the stir of the realm. A great famine added to the sense of danger from Wales and from Scotland, and to the irritation at the new demands from both Henry and Rome with which the year 1258 opened. It was to arrange for a campaign against Wales that Henry called a parliament in April. But the baronage appeared in arms with Gloucester and Leicester at their head. The king was forced to consent to the appointment of a committee of twenty-four to draw up terms for the reform of the state. The twenty-four again met the Parliament at Oxford in June, and, although half

the committee consisted of royal ministers and favorites, it was impossible to resist the tide of popular feeling. Hugh Bigod, one of the firmest adherents of the two earls, was chosen justiciar. The claim to elect this great officer was, in fact, the leading point in the baronial policy. But further measures were needed to hold in check such arbitrary misgovernment as had prevailed during the past twenty years. By the "Provisions of Oxford" it was agreed that the Great Council should assemble thrice in the year, whether summoned by the king or no; and on each occasion "the commonalty shall elect twelve honest men who shall come to the parliaments, and at other times when occasion shall be, when the king and his council shall send for them, to treat of the wants of the king and of his kingdom. And the commonalty shall hold as established that which these twelve shall do." Three permanent committees of barons and prelates were named to carry out the work of reform and administration. The reform of the church was left to the original twenty-four; a second twenty-four negotiated the financial aids; a permanent council of fifteen advised the king in the ordinary work of government. The complexity of such an arrangement was relieved by the fact that the members of each of these committees were in great part the same persons. The justiciar, chancellor, and the guardians of the king's castles swore to act only with the advice and assent of the permanent council, and the first two great officers, with the treasurer, were to give account of their proceedings to it at the end of the year. Sheriffs were to be ap-

pointed for a single year only, no doubt by the council, from among the chief tenants of the county, and no undue fees were to be exacted for the administration of justice in their court.

234. A royal proclamation in the English tongue, the first in that tongue since the conquest which has reached us, ordered the observance of these provisions. The king was, in fact, helpless, and resistance came only from the foreign favorites, who refused to surrender the castles and honors which had been granted to them. But the twenty-four were resolute in their action; and an armed demonstration of the barons drove the foreigners in flight over sea. The whole royal power was now, in fact, in the hands of the committees appointed by the Great Council. But the measures of the barons showed little of the wisdom and energy which the country had hoped for. In October, 1259, the knighthood complained that the barons had done nothing but seek their own advantage in the recent changes. This protest produced the Provisions of Westminster, which gave protection to tenants against their feudal lords, regulated legal procedure in the feudal courts, appointed four knights in each shire to watch the justice of the sheriffs, and made other temporary enactments for the furtherance of justice. But these provisions brought little fruit, and a tendency to mere feudal privilege showed itself in an exemption of all nobles and prelates from attendance at the sheriff's courts. Their foreign policy was more vigorous and successful. All further payment to Rome, whether secular or ecclesiastical, was prohibited;

formal notice was given to the pope of England's withdrawal from the Sicilian enterprise, peace put an end to the incursions of the Welsh, and negotiations on the footing of a formal abandonment of the king's claim to Normandy, Anjou, Maine, Touraine, and Poitou ended in October, 1259, in a peace with France.

235. This peace, the triumph of that English policy which had been struggling ever since the days of Hubert de Burgh with the continental policy of Henry and his foreign advisers, was the work of the Earl of Leicester. The revolution had doubtless been mainly Simon's doing. In the summer of 1258, while the great change was going on, a thunder storm drove the king as he passed along the river to the house of the Bishop of Durham, where the earl was then sojourning. Simon bade Henry take shelter with him and have no fear of the storm. The king refused with petulant wit. "If I fear the thunder, I fear you, Sir Earl, more than all the thunder in the world." But Simon had probably small faith in the cumbrous system of government which the barons devised, and it was with reluctance that he was brought to swear to the provisions of Oxford which embodied it. With their home government he had little to do, for from the autumn of 1258 to that of 1259 he was chiefly busied in negotiation in France. But already his breach with Gloucester and the bulk of his fellow-councilors was marked. In the Lent Parliament of 1259 he had reproached them, and Gloucester above all, with faithlessness to their trust. "The things we are treating of," he

cried, "we have sworn to carry out. With such feeble and faithless men I care not to have aught to do!" The peace with France was hardly signed when his distrust of his colleagues was verified. Henry's withdrawal to the French court at the close of the year for the formal signature of the treaty was the signal for a reactionary movement. From France the king forbade the summoning of a Lent Parliament in 1260, and announced his resumption of the enterprise against Sicily. Both acts were distinct breaches of the provisions of Oxford, but Henry trusted to the divisions of the twenty-four. Gloucester was in open feud with Leicester; the justiciar, Hugh Bigod, resigned his office in the spring; and both of these leaders drew cautiously to the king. Roger Mortimer and the Earls of Hereford and Norfolk more openly espoused the royal cause, and in February, 1260, Henry had gained confidence enough to announce that as the barons had failed to keep their part of the provisions he should not keep his.

236. Earl Simon almost alone remained unshaken. But his growing influence was seen in the appointment of his supporter, Hugh Despenser, as justiciar in Bigod's place, while his strength was doubled by the accession of the king's son Edward to his side. In the moment of the revolution Edward had vehemently supported the party of the foreigners. But he had sworn to observe the provisions, and the fidelity to his pledge which remained throughout his life the chief note of his temper at once showed itself. Like Simon he protested against the faith-

lessness of the barons in the carrying out of their reforms, and it was his strenuous support of the petition of the knighthood that brought about the additional provisions of 1259. He had been brought up with Earl Simon's sons, and with the earl himself his relations remained friendly even at the later time of their fatal hostilities. But as yet he seems to have had no distrust of Simon's purposes or policy. His adhesion to the earl recalled Henry from France; and the king was at once joined by Gloucester in London, while Edward and Simon remained without the walls. But the love of father and son proved too strong to bear political severance, and Edward's reconciliation foiled the earl's plans. He withdrew to the Welsh border, where fresh troubles were breaking out, while Henry prepared to deal his final blow at the government which, tottering as it was, still neld him in check. Rome had resented the measures which had put an end to her extortions, and it was to Rome that Henry looked for a former absolution from his oath to observe the provisions. In June, 1261, he produced a bull annulling the provisions and freeing him from his oath in a Parliament at Winchester. The suddenness of the blow forbade open protest and Henry quickly followed up his victory. Hugh Bigod, who had surrendered the Tower and Dover in the spring, surrendered the other castles he held in the autumn. Hugh Despenser was deposed from the justiciarship and a royalist, Philip Basset, appointed in his place.

237. The news of this counter-revolution reunited for a moment the barons. Gloucester joined Earl

Simon in calling an autumn Parliament at St. Alban's, and in summoning to it three knights from every shire south of Trent. But the union was a brief one. Gloucester consented to refer the quarrel with the king to arbitration and the Earl of Leicester withdrew in August to France. He saw that for the while there was no means of withstanding Henry, even in his open defiance of the provisions. Foreign soldiers were brought into the land; the king won back again the appointment of sheriffs. For eighteen months of this new rule Simon could do nothing but wait. But his long absence lulled the old jealousies against him. The confusion of the realm and a fresh outbreak of troubles in Wales renewed the disgust at Henry's government, while his unswerving faithfulness to the provisions fixed the eyes of all Englishmen upon the earl as their natural leader. The death of Gloucester in the summer of 1262 removed the one barrier to action; and in the spring of 1263 Simon landed again in England as the unquestioned head of the baronial party. What immediately forced him to action was a march of Edward with a body of foreign troops against Llewelyn, who was probably by this time in communication, if not in actual alliance, with the earl. The chief opponents of Llewelyn among the Marcher lords were ardent supporters of Henry's misgovernment, and, when a common hostility drew the prince and earl together, the constitutional position of Llewelyn as an English noble gave formal justification for co-operation with him. At Whitsuntide the barons met Simon at Oxford and finally summoned Henry

to observe the provisions. His refusal was met by an appeal to arms. Throughout the country the younger nobles flocked to Simon's standard, and the young Earl of Gloucester, Gilbert of Clare, became his warmest supporter. His rapid movements foiled all opposition. While Henry vainly strove to raise money and men, Simon swept the Welsh border, marched through Reading on Dover, and finally appeared before London.

238. The earl's triumph was complete. Edward, after a brief attempt at resistance, was forced to surrender Windsor and disband his foreign troops. The rising of London in the cause of the barons left Henry helpless. But at the moment of triumph the earl saw himself anew forsaken. The bulk of the nobles again drew toward the king; only six of the twelve barons who had formed the patriot half of the committee of 1258, only four of the twelve representatives of the community at that date, were now with the earl. The dread, too, of civil war gave strength to the cry for a compromise, and at the end of the year it was agreed that the strife should be left to the arbitration of the French King, Lewis the Ninth. But saint and just ruler as he was, the royal power was in the conception of Lewis a divine thing, which no human power could limit or fetter, and his decision, which was given in January, 1264, annulled the whole of the provisions. Only the charters granted before the provisions were to be observed. The appointment and removal of all officers of state was to be wholly with the king, and he was suffered to call aliens to his councils if he would.

The Mise of Amiens was at once confirmed by the pope, and, crushing blow as it was, the barons felt themselves bound by the award. It was only the exclusion of aliens—a point which they had not purposed to submit to arbitration—which they refused to concede. Luckily Henry was as inflexible on this point as on the rest, and the mutual distrust prevented any real accommodation.

239. But Henry had to reckon on more than the baronage. Deserted as he was by the greater nobles, Simon was far from standing alone. Throughout the recent struggle the new city governments of the craft-guilds, which were known by the name of “communes,” had shown an enthusiastic devotion to his cause. The queen was stopped in her attempt to escape from the Tower by an angry mob, who drove her back with stones and foul words. When Henry attempted to surprise Leicester in his quarters at Southwark, the Londoners burst the gates which had been locked by the richer burghers against him, and rescued him by a welcome into the city. The clergy and the universities went in sympathy with the towns, and in spite of the taunts of the royalists, who accused him of seeking allies against the nobility in the common people, the popular enthusiasm gave a strength to the earl which sustained him even in this darkest hour of the struggle. He at once resolved on resistance. The French award had luckily reserved the rights of Englishmen to the liberties they had enjoyed before the Provisions of Oxford, and it was easy for Simon to prove that the arbitrary power it gave to the crown was as contrary to the

charter as to the provisions themselves. London was the first to reject the decision; in March, 1264, its citizens mustered at the call of the town-bell at St. Paul's, seized the royal officials, and plundered the royal parks. But an army had already mustered in great force at the king's summons, while Leicester found himself deserted by the bulk of the baronage. Every day brought news of ill. A detachment from Scotland joined Henry's forces. The younger De Montfort was taken prisoner. Northampton was captured, the king raised the siege of Rochester, and a rapid march of Earl Simon only saved London itself from a surprise by Edward. But betrayed as he was, the earl remained firm to the cause. He would fight to the end, he said, even were he and his sons left to fight alone. With an army reinforced by 15,000 Londoners, he marched in May to the relief of the Cinque Ports, which were now threatened by the king. Even on the march he was forsaken by many of the nobles who followed him. Halting at Fletching, in Sussex, a few miles from Lewes, where the royal army was encamped, Earl Simon, with the young Earl of Gloucester, offered the king compensation for all damage if he would observe the provisions. Henry's answer was one of defiance, and though numbers were against him, the earl resolved on battle. His skill as a soldier reversed the advantages of the ground; marching at dawn on May 14th, he seized the heights eastward of the town and moved down these slopes to an attack. His men, with white crosses on back and breast, knelt in prayer before the battle opened, and all but reached the

town before their approach was perceived. Edward, however, opened the fight by a furious charge which broke the Londoners on Leicester's left. In the bitterness of his hatred for the insult to his mother he pursued them for four miles, slaughtering 3,000 men. But he returned to find the battle lost. Crowded in the narrow space between the heights and the river Ouse, a space broken by marshes and by the long street of the town, the royalist center and left were crushed by Earl Simon. The Earl of Cornwall, now king of the Romans, who, as the mocking song of the victors ran, "made him a castel of a mulne post" ("he weened that the mill-sails were mangonels," goes on the sarcastic verse), was taken prisoner, and Henry himself captured. Edward cut his way into the Priory only to join in his father's surrender.

240. The victory of Lewes placed Earl Simon at the head of the state. "Now England breathes in the hope of liberty," sang a poet of the time; "the English were despised like dogs, but now they have lifted up their head and their foes are vanquished." But the moderation of the terms agreed upon in the Mise of Lewes, a convention between the king and his captors, shows Simon's sense of the difficulties of his position. The question of the provisions was again to be submitted to arbitration; and a parliament in June, to which four knights were summoned from every county, placed the administration till this arbitration was complete in the hands of a new council of nine, to be nominated by the Earls of Leicester and Gloucester and the patriotic Bishop of

Chichester. Responsibility to the community was provided for by the declaration of a right in the body of barons and prelates to remove either of the three electors, who in turn could displace or appoint the members of the council. Such a constitution was of a different order from the cumbrous and oligarchical committees of 1258. But it had little time to work in. The plans for a fresh arbitration broke down. Lewis refused to review his decision, and all schemes for setting fresh judges between the king and his people were defeated by a formal condemnation of the barons' cause issued by the pope. Triumphant as he was, indeed, Earl Simon's difficulties thickened every day. The queen, with Archbishop Boniface, gathered an army in France for an invasion; Roger Mortimer, with the border barons, was still in arms, and only held in check by Llewellyn. It was impossible to make binding terms with an imprisoned king, yet to release Henry without terms was to renew the war. The imprisonment too gave a shock to public feeling which thinned the earl's ranks. In the new parliament which he called at the opening of 1265 the weakness of the patriotic party among the baronage was shown in the fact that only twenty-three earls and barons could be found to sit beside the hundred and twenty ecclesiastics.

241. But it was just this sense of his weakness which prompted the earl to an act that has done more than any incident of this struggle to immortalize his name. Had the strife been simply a strife for power between the king and the baronage, the victory of either would have been equally fatal in its results.

The success of the one would have doomed England to a royal despotism, that of the other to a feudal aristocracy. Fortunately for our freedom, the English baronage had been brought too low by the policy of the kings to be able to withstand the crown single-handed. From the first moment of the contest it had been forced to make its cause a national one. The summons of two knights from each county, elected in its county court, to a parliament in 1254, even before the opening of the struggle, was a recognition of the political weight of the country gentry, which was confirmed by the summons of four knights from every county to the parliament assembled after the battle of Lewes. The Provisions of Oxford, in stipulating for attendance and counsel on the part of twelve delegates of the "commonalty," gave the first indication of a yet wider appeal to the people at large. But it was the weakness of his party among the baronage at this great crisis which drove Earl Simon to a constitutional change of mighty issue in our history. As before, he summoned two knights from every county. But he created a new force in English politics when he summoned to sit beside them two citizens from every borough. The attendance of delegates from the towns had long been usual in the county courts when any matter respecting their interests was in question; but it was the writ issued by Earl Simon that first summoned the merchant and the trader to sit beside the knight of the shire, the baron, and the bishop in the parliament of the realm.

242. It is only this great event, however which

enables us to understand the large and prescient nature of Earl Simon's designs. Hardly a few months had passed away since the victory of Lewes when the burghers took their seats at Westminster, yet his government was tottering to its fall. We know little of the parliament's acts. It seems to have chosen Simon as justiciar, and to have provided for Edward's liberation, though he was still to live under surveillance at Hereford, and to surrender his earldom of Chester to Simon, who was thus able to communicate with his Welsh allies. The earl met the dangers from without with complete success. In September, 1264, a general muster of the national forces on Barham Down and a contrary wind put an end to the projects of invasion entertained by the mercenaries whom the queen had collected in Flanders; the threats of France died away into negotiations; the papal legate was forbidden to cross the channel, and his bulls of excommunication were flung into the sea. But the difficulties at home grew more formidable every day. The restraint upon Henry and Edward jarred against the national feeling of loyalty, and estranged the mass of Englishmen who always side with the weak. Small as the patriotic party among the barons had been from the first, it grew smaller as dissensions broke out over the spoils of victory. The earl's justice and the resolve to secure the public peace told heavily against him. John Giffard left him because he refused to allow him to exact ransom from a prisoner, contrary to the agreement made after Lewes. A greater danger opened when the young Earl of Gloucester,

though enriched with the estates of the foreigners, held himself aloof from the justiciar, and resented Leicester's prohibition of a tournament, his naming the wardens of the royal castles by his own authority, his holding Edward's fortresses on the Welsh marches by his own garrisons.

243. Gloucester's later conduct proves the wisdom of Leicester's precautions. In the spring parliament of 1265 he openly charged the earl with violating the Mise of Lewes, with tyranny, and with aiming at the crown. Before its close he withdrew to his own lands in the west and secretly allied himself with Roger Mortimer and the Marcher barons. Earl Simon soon followed him to the west, taking with him the king and Edward. He moved along the Severn, securing its towns, advanced west to Hereford, and was marching at the end of June along bad roads into the heart of South Wales to attack the fortresses of Earl Gilbert in Glamorgan, when Edward suddenly made his escape from Hereford and joined Gloucester at Ludlow. The moment had been skillfully chosen, and Edward showed a rare ability in the movements by which he took advantage of the earl's position. Moving rapidly along the Severn he seized Gloucester and the bridges across the river, destroyed the ships by which Leicester strove to escape across the Channel to Bristol, and cut him off altogether from England. By this movement, too, he placed himself between the earl and his son Simon, who was advancing from the east to his father's relief. Turning rapidly on this second force, Edward surprised it at Kenilworth and drove it with heavy

loss within the walls of the castle. But the success was more than compensated by the opportunity which his absence gave to the earl of breaking the line of the Severn. Taken by surprise, and isolated as he was, Simon had been forced to seek for aid and troops in an avowed alliance with Llewellyn, and it was with Welsh reinforcements that he turned to the east. But the seizure of his ships and of the bridges of the Severn held him a prisoner in Edward's grasp, and a fierce attack drove him back, with broken and starving forces, into the Welsh hills. In utter despair he struck northward to Hereford; but the absence of Edward now enabled him on the 2d of August to throw his troops in boats across the Severn below Worcester. The news drew Edward quickly back in a fruitless counter-march to the river, for the earl had already reached Evesham by a long night march on the morning of the 4th, while his son, relieved in turn by Edward's counter-march, had pushed in the same night to the little town of Alcester. The two armies were now but some ten miles apart, and their junction seemed secured. But both were spent with long marching, and while the earl listening reluctantly to the request of the king, who accompanied him, halted at Evesham for mass and dinner, the army of the younger Simon halted for the same purpose at Alcester.

244. "Those two dinners doleful were, alas!" sings Robert of Gloucester; for through the same memorable night Edward was hurrying back from the Severn by country cross-lanes to seize the fatal gap that lay between them. As morning broke his

army lay across the road that led northward from Evesham to Alcester. Evesham lies in a loop of the river Avon, where it bends to the south; and a height on which Edward ranged his troops closed the one outlet from it save across the river. But a force had been thrown over the river under Mortimer to seize the bridges, and all retreat was thus finally cut off. The approach of Edward's army called Simon to the front, and for the moment he took it for his son's. Though the hope soon died away, a touch of soldierly pride moved him as he recognized in the orderly advance of his enemies a proof of his own training. "By the arm of St. James," he cried, "they come on in wise fashion, but it was from me that they learnt it." A glance, however, satisfied him of the hopelessness of a struggle; it was impossible for a handful of horsemen with a mob of half-armed Welshmen to resist the disciplined knighthood of the royal army. "Let us commend our souls to God," Simon said to the little group around him, "for our bodies are the foe's." He bade Hugh Despenser and the rest of his comrades fly from the field. "If he died," was the noble answer, "they had no will to live." In three hours the butchery was over. The Welsh fled at the first onset like sheep, and were cut ruthlessly down in the corn-fields and gardens where they sought refuge. The little group of knights around Simon fought desperately, falling one by one till the earl was left alone. So terrible were his sword-strokes that he had all but gained the hill-top when a lance-thrust brought his horse to the ground, but Simon still rejected the summons to

yield till a blow from behind felled him, mortally wounded, to the ground. Then, with a last cry of "It is God's grace," the soul of the great patriot passed away.

245. The triumphant blare of trumpets which welcomed the rescued king into Evesham, "his men weeping for joy," rang out in bitter contrast to the mourning of the realm. It sounded like the announcement of a reign of terror. The rights and laws for which men had toiled and fought so long seemed to have been swept away in an hour. Every town which had supported Earl Simon was held to be at the king's mercy, its franchises to be forfeited. The charter of Lynn was annulled; London was marked out as the special object of Henry's vengeance, and the farms and merchandise of its citizens were seized as first fruits of its plunder. The darkness which on that fatal morning hid their books from the monks of Evesham as they sang in choir was but a presage of the gloom which fell on the religious houses. From Ramsey, from Evesham, from St. Alban's rose the same cry of havoc and rapine. But the plunder of monk and burgess was little to the vast sentence of confiscation which the mere fact of rebellion was held to have passed on all the adherents of Earl Simon. To "disinherit" these of their lands was to confiscate half of the estates of the landed gentry of England; but the hotter royalists declared them disinherited, and Henry was quick to lavish their lands away on favorites and foreigners. The very chroniclers of their party recall the pillage with shame. But all thought of resistance lay

flushed in a general terror. Even the younger Simon "saw no other rede" than to release his prisoners. His army, after finishing its meal, was again on the march to join the earl, when the news of his defeat met it, heralded by a strange darkness that, rising suddenly in the north-west and following as it were on Edward's track, served to shroud the mutilations and horrors of the battle-field. The news was soon fatally confirmed. Simon himself could see from afar his father's head borne off on a spear-point, to be mocked at Wigmore. But the pursuit streamed away southward and westward, through the streets of Tewkesbury, heaped with corpses of the panic-struck Welshmen whom the townsmen slaughtered without pity; and there was no attack as the little force fell back through the darkness and big thunder-drops in despair upon Kenilworth. "I may hang up my axe," are the bitter words which a poet attributes to their leader, "for feebly have I gone;" and once within the castle he gave way to a wild sorrow, day after day tasting neither meat nor drink.

246. He was roused into action again by news of the shameful indignities which the Marcher-lords had offered to the body of the great earl before whom they had trembled so long. The knights around him broke out at the tidings in a passionate burst of fury, and clamored for the blood of Richard of Cornwall and his son, who were prisoners in the castle. But Simon had enough nobleness left to interpose. "To God and him alone was it owing," Richard owned afterwards, "that I was snatched from death." The captives were not only saved, but set free. A parliament

had been called at Winchester at the opening of September, and its mere assembly promised an end to the reign of utter lawlessness. A powerful party, too, was known to exist in the royal camp, which, hostile as it had shown itself to Earl Simon, shared his love for English liberties, and the liberation of Richard was sure to aid its efforts. At the head of this party stood the young Earl of Gloucester, Gilbert of Clare, to whose action above all the earl's overthrow was due. And with Gilbert stood Edward himself. The passion for law, the instinct of good government, which were to make his reign so memorable in our history, had declared themselves from the first. He had sided with the barons at the outset of their struggle with Henry; he had striven to keep his father true to the provisions of Oxford. It was only when the figure of Earl Simon seemed to tower above that of Henry himself, when the crown seemed falling into bondage, that Edward passed to the royal side; and now that the danger which he dreaded was over, he returned to his older attitude. In the first flush of victory, while the doom of Simon was as yet unknown, Edward had stood alone in desiring his captivity against the cry of the Marcher-lords for his blood. When all was done he wept over the corpse of his cousin and playfellow, Henry de Montfort, and followed the earl's body to the tomb. But great as was Edward's position after the victory of Evesham, his moderate counsels were as yet of little avail. His efforts in fact were met by those of Henry's second son, Edmund, who had received the lands and earldom of Earl Simon, and

whom the dread of any restoration of the house of De Montfort set at the head of the ultra-royalists. Nor was any hope of moderation to be found in the parliament which met in September, 1265. It met in the usual temper of a restoration-parliament to legalize the outrages of the previous month. The prisoners who had been released from the dungeons of the barons poured into Winchester to add fresh violence to the demands of the Marchers. The wives of the captive loyalists and the widows of the slain were summoned to give fresh impulse to the reaction. Their place of meeting added fuel to the fiery passions of the throng, for Winchester was fresh from its pillage by the younger Simon on his way to Kenilworth, and its stubborn loyalty must have been fanned into a flame by the losses it had endured. In such an assembly no voice of moderation could find a hearing. The four bishops who favored the national cause, the bishops of London and Lincoln, of Worcester and Chichester, were excluded from it, and the heads of the religious houses were summoned for the mere purpose of extortion. Its measures were but a confirmation of the violence which had been wrought. All grants made during the king's "captivity" were revoked. The house of De Montfort was banished from the realm. The charter of London was annulled. The adherents of Earl Simon were disinherited, and seizin of their lands was given to the king.

247. Henry at once appointed commissioners to survey and take possession of his spoil, while he moved to Windsor to triumph in the humiliation of Lon-

don. Its mayor and forty of its chief citizens waited in the castle yard only to be thrown into prison in spite of a safe-conduct, and Henry entered his capital in triumph as into an enemy's city. The surrender of Dover came to fill his cup of joy, for Richard and Amaury of Montfort had sailed with the earl's treasure to enlist foreign mercenaries, and it was by this port that their force was destined to land. But a rising of the prisoners detained there compelled its surrender in October, and the success of the royalists seemed complete. In reality their difficulties were but beginning. Their triumph over Earl Simon had been a triumph over the religious sentiment of the time, and religion avenged itself in its own way. Everywhere the earl's death was looked upon as a martyrdom; and monk and friar united in praying for the souls of the men who fell at Evesham as for soldiers of Christ. It was soon whispered that Heaven was attesting the sanctity of De Montfort by miracles at his tomb. How great was the effect of this belief was seen in the efforts of king and pope to suppress the miracles, and in their continuance not only through the reign of Edward the First but even in the days of his successor. But its immediate result was a sudden revival of hope. "Sighs are changed into songs of praise," breaks out a monk of the time, "and the greatness of our former joy has come to life again!" Nor was it in miracles alone that the "faithful," as they proudly styled themselves, began to look for relief "from the oppression of the malignants." A monk of St. Alban's, who was penning a eulogy of Earl Simon in the midst of this

uproar, saw the rise of a new spirit of resistance in the streets of the little town. In dread of war it was guarded and strongly closed with bolts and bars, and refused entrance to all strangers, and above all to horsemen, who wished to pass through. The Constable of Hertford, an old foe of the townsmen, boasted that spite of bolts and bars he would enter the place and carry off four of the best villeins captive. He contrived to make his way in; but, as he loitered idly about, a butcher who passed by heard him ask his men how the wind stood. The butcher guessed his design to burn the town, and felled him to the ground. The blow roused the townsmen. They secured the constable and his followers, struck off their heads, and fixed them at the four corners of the borough.

248. The popular reaction gave fresh heart to the younger Simon. Quitting Kenilworth, he joined in November John D'Eyvill and Baldewin Wake in the Isle of Axholme, where the disinherited were gathering in arms. So fast did horse and foot flow into him that Edward himself hurried into Lincolnshire to meet this new danger. He saw that the old strife was just breaking out again. The garrison of Kenilworth scoured the country; the men of the Cinque Ports, putting wives and children on board their barks, swept the Channel and harried the coasts; while Llewellyn, who had brought about the dissolution of parliament by a raid upon Chester, butchered the forces sent against him, and was master of the border. The one thing needed to link the forces of resistance together was a head, and such a head the appearance

of Simon at Axholme seemed to promise. But Edward was resolute in his plan of conciliation. Arriving before the camp at the close of 1265, he at once entered into negotiations with his cousin, and prevailed on him to quit the island and appear before the king. Richard of Cornwall welcomed Simon at the court; he presented him to Henry as the savior of his life, and on his promise to surrender Kenilworth, Henry gave him the kiss of peace. In spite of the opposition of Roger Mortimer and the Marcher-lords, success seemed to be crowning this bold stroke of the peace party when the Earl of Gloucester interposed. Desirous as he was of peace, the blood of De Montfort lay between him and the earl's sons, and the safety of the one lay in the ruin of the other. In the face of this danger Earl Gilbert threw his weight into the scale of the ultra-royalists, and peace became impossible. The question of restitution was shelved by a reference to arbitrators; and Simon, detained in spite of a safe-conduct, moved in Henry's train at Christmas to witness the surrender of Kenilworth, which had been stipulated as the price of his full reconciliation with the king. But hot blood was now stirred again on both sides. The garrison replied to the royal summons by a refusal to surrender. They had received ward of the castle, they said, not from Simon, but from the countess, and to none but her would they give it up. The refusal was not likely to make Simon's position an easier one. On his return to London the award of the arbitrators bound him to quit the realm and not to return save with the assent of king and baron.

age when all were at peace. He remained for a while in free custody at London; but warnings that he was doomed to life-long imprisonment drove him to flight, and he finally sought a refuge over sea.

249. His escape set England again on fire. Llewellyn wasted the border; the Cinque Ports held the sea; the garrison of Kenilworth pushed their raids as far as Oxford; Baldewin Wake, with a band of the Disinherited, threw himself into the woods and harried the eastern counties; Sir Adam Gurdon, a knight of gigantic size and renowned prowess, wasted, with a smaller party, the shires of the south. In almost every county bands of outlaws were seeking a livelihood in rapine and devastation, while the royal treasury stood empty, and the enormous fine imposed upon London had been swept into the coffers of French usurers. But a stronger hand than the king's was now at the head of affairs, and Edward met his assailants with untiring energy. King Richard's son, Henry of Almaine, was sent with a large force to the north; Mortimer hurried to hold the Welsh border; Edmund was dispatched to Warwick to hold Kenilworth in check; while Edward himself marched at the opening of March to the south. The Berkshire woods were soon cleared, and at Whitsuntide Edward succeeded in dispersing Adam Gurdon's band, and in capturing its renowned leader in single combat. The last blow was already given to the rising in the north, where Henry of Almaine surprised the Disinherited at Chesterfield and took their leader, the Earl of Derby, in his bed. Though Edmund had done little but hold the Kenilworth

knights in check, the submission of the rest of the country now enabled the royal army to besiege it in force. But the king was penniless, and the parliament which he called to replenish his treasury in August showed the resolve of the nation that the strife should cease. They would first establish peace, if peace were possible, they said, and then answer the king's demand. Twelve commissioners, with Earl Gilbert at their head, were appointed on Henry's assent to arrange terms of reconciliation. They at once decided that none should be utterly disinherited for their part in the troubles, but that liberty of redemption should be left open to all. Furious at the prospect of being forced to disgorge their spoil, Mortimer and the ultra-royalists broke out in mad threats of violence, even against the life of the papal legate who had pressed for the reconciliation. But the power of the ultra-royalists was over. The general resolve was not to be shaken by the clamor of a faction, and Mortimer's route at Brecknock by Llewellyn, the one defeat that checkered the tide of success, had damaged that leader's influence. Backed by Edward and Earl Gilbert, the legate met their opposition with a threat of excommunication, and Mortimer withdrew sullenly from the camp. Fresh trouble in the country and the seizure of the Isle of Ely by a band of the Disinherited quickened the labors of the Twelve. At the close of September they pronounced their award, restoring their lands to all who made submission on a graduated scale of redemption, promising indemnity for all wrongs done during the troubles,

and leaving the restoration of the house of De Montfort to the royal will. But to these provisions were added an emphatic demand that the "king fully keep and observe those liberties of the church, charters of liberties, and forest charters, which he is expressly and by his own mouth bound so preserve and keep." "Let the king," they add, "establish on a lasting foundation those concessions which he has hitherto made of his own will and not on compulsion, and those needful ordinances which have been devised by his subjects and by his own good pleasure."

250. With this award the struggle came to an end. The garrison of Kenilworth held out indeed till November, and the full benefit of the ban was only secured when Earl Gilbert in the opening of the following year suddenly appeared in arms and occupied London. But the earl was satisfied, the Disinherited were at last driven from Ely, and Llewellyn was brought to submission by the appearance of an army at Shrewsbury. All was over by the close of 1267. His father's age and weakness, his own brilliant military successes, left Edward practically in possession of the royal power; and his influence at once made itself felt. There was no attempt to return to the misrule of Henry's reign, to his projects of continental aggrandizement or internal despotism. The constitutional system of government for which the barons had fought was finally adopted by the crown and the parliament of Marlborough which assembled in November, 1267, renewed the provisions by which the baronage had remedied the chief abuses of the time in their provisions of Oxford and Westminster.

The appointment of all officers of state indeed was jealously reserved to the crown. But the royal expenditure was brought within bounds. Taxation was only imposed with the assent of the Great Council. So utterly was the land at rest that Edward felt himself free to take the cross in 1268 and to join the crusade which was being undertaken by St. Lewis of France. He reached Tunis only to find Lewis dead and his enterprise a failure, wintered in Sicily, made his way to Acre in the spring of 1271, and spent more than a year in exploits which want of force prevented from growing into a serious campaign. He was already on his way home when the death of Henry the Third in November, 1272, called him to the throne.

CHAPTER IV.

EDWARD THE FIRST.

1272-1307.

251. IN his own day and among his own subjects Edward the First was the object of an almost boundless admiration. He was in the truest sense a national king. At the moment when the last trace of foreign conquest passed away, when the descendants of those who won and those who lost at Senlac blended forever into an English people, England saw in her ruler no stranger, but an Englishman. The national tradition returned in more than the golden hair or the English name which linked him to our earlier kings. Edward's very temper was Eng-

lish to the core. In good as in evil he stands out as the typical representative of the race he ruled, like them willful and imperious, tenacious of his rights, indomitable in his pride, dogged, stubborn, slow of apprehension, narrow in sympathy, but like them, too, just in the main, unselfish, laborious, conscientious, haughtily observant of truth and self-respect, temperate, reverent of duty, religious. It is this oneness with the character of his people which parts the temper of Edward from what had till now been the temper of his house. He inherited indeed from the Angevins their fierce and passionate wrath; his punishments, when he punished in anger, were without pity; and a priest who ventured at a moment of storm into his presence with a remonstrance, dropped dead from sheer fright at his feet. But his nature had nothing of the hard selfishness, the vindictive obstinacy which had so long characterized the house of Anjou. His wrath passed as quickly as it gathered; and for the most part his conduct was that of an impulsive, generous man, trustful, averse from cruelty, prone to forgive. "No man ever asked mercy of me," he said in his old age, "and was refused." The rough soldierly nobleness of his nature broke out in incidents like that at Falkirk where he lay on the bare ground among his men, or in his refusal during a Welsh campaign to drink of the one cask of wine which had been saved from marauders. "It is I who have brought you into this strait," he said to his thirsty fellow-soldiers, "and I will have no advantage of you in meat or drink." Beneath the stern imperiousness of his outer bearing lay in

fact a strange tenderness and sensitiveness to affection. Every subject throughout his realm was drawn closer to the king, who wept bitterly at the news of his father's death though it gave him a crown, whose fiercest burst of vengeance was called out by an insult to his mother, whose crosses rose as memorials of his love and sorrow at every spot where his wife's bier rested. "I loved her tenderly in her life-time," wrote Edward to Eleanor's friend, the Abbot of Clugny; "I do not cease to love her now she is dead." And as it was with mother and wife, so it was with his people at large. All the self-concentrated isolation of the foreign kings disappeared in Edward. He was the first English ruler since the Conquest who loved his people with a personal love, and craved for their love back again. To his trust in them we owe our parliament, to his care for them the great statutes which stand in the forefront of our laws. Even in his struggles with her, England understood a temper which was so perfectly her own, and the quarrels between king and people during his reign are quarrels where, doggedly as they fought, neither disputant doubted for a moment the worth or affection of the other. Few scenes in our history are more touching than a scene during the long contest over the charter, when Edward stood face to face with his people in Westminster Hall, and with a sudden burst of tears owned himself frankly in the wrong.

252. But it was just this sensitiveness, this openness to outer impressions and outer influences that led to the strange contradictions which meet us in

Edward's career. His reign was a time in which a foreign influence told strongly on our manners, our literature, our national spirit, for the sudden rise of France into a compact and organized monarchy was now making its influence dominant in western Europe. The "chivalry" so familiar to us in the pages of Froissart, that picturesque mimicry of high sentiment, of heroism, love, and courtesy before which all depth and reality of nobleness disappeared to make room for the coarsest profligacy, the narrowest caste-spirit, and a brutal indifference to human suffering, was specially of French creation. There was a nobleness in Edward's nature from which the baser influences of this chivalry fell away. His life was pure, his piety, save when it stooped to the superstition of the time, manly and sincere, while his high sense of duty saved him from the frivolous self-indulgence of his successors. But he was far from being wholly free from the taint of his age. His passionate desire was to be a model of the fashionable chivalry of his day. His frame was that of a born soldier—tall, deep-chested, long of limb, capable alike of endurance or action, and he shared to the full his people's love of venture and hard fighting. When he encountered Adam Gurdon after Evesham, he forced him single-handed to beg for mercy. At the opening of his reign he saved his life by sheer fighting in a tournament at Challon. It was this love of adventure which lent itself to the frivolous unreality of the new chivalry. His fame as a general seemed a small thing to Edward when compared

with his fame as a knight. At his "Round Table of Kenilworth" a hundred lords and ladies, "clad all in silk," renewed the faded glories of Arthur's court. The false air of romance which was soon to turn the gravest political resolutions into outbursts of sentimental feeling appeared in his "Vow of the Swan," when rising at the royal board he swore on the dish before him to avenge on Scotland the murder of Comyn. Chivalry exerted on him a yet more fatal influence in its narrowing of his sympathy to the noble class, and in its exclusion of the peasant and the craftsman from all claim to pity. "Knight without reproach" as he was, he looked calmly on at the massacre of the burghers of Berwick, and saw in William Wallace nothing but a common robber.

253. The French notion of chivalry had hardly more power over Edward's mind than the French conception of kingship, feudality, and law. The rise of a lawyer class was everywhere hardening customary into written rights, allegiance into subjection, loose ties, such as commendation, into a definite vassalage. But it was specially through French influence, the influence of St. Lewis and his successors, that the imperial theories of the Roman law were brought to bear upon this natural tendency of the time. When the "sacred majesty" of the Cæsars was transferred by a legal fiction to the royal head of a feudal baronage every constitutional relation was changed. The "defiance" by which a vassal renounced service to his lord became treason, his after resistance "sacrilege." That Edward could

appreciate what was sound and noble in the legal spirit around him, was shown in his reforms of our judicature and our parliament; but there was something as congenial to his mind in its definiteness, its rigidity, its narrow technicalities. He was never willfully unjust, but he was too often captious in his justice, fond of legal chicanery, prompt to take advantage of the letter of the law. The high conception of royalty which he borrowed from St. Lewis united with this legal turn of mind in the worst acts of his reign. Of rights or liberties unregistered in charter or roll Edward would know nothing, while his own good sense was overpowered by the majesty of his crown. It was incredible to him that Scotland should revolt against a legal bargain which made her national independence conditional on the terms extorted from a claimant of her throne; nor could he view in any other light but as treason the resistance of his own baronage to an arbitrary taxation which their fathers had borne.

254. It is in the anomalies of such a character as this, in its strange mingling of justice and wrongdoing, of grandeur and littleness, that we must look for any fair explanation of much that has since been bitterly blamed in Edward's conduct and policy. But what none of these anomalies can hide from us is the height of moral temper which shows itself in the tenor of his rule. Edward was every inch a king; but his notion of kingship was a lofty and a noble one. He loved power; he believed in his sovereign rights and clung to them with a stubborn tenacity. But his main end in clinging to them was

the welfare of his people. Nothing better proves the self-command which he drew from the purpose he set before him than his freedom from the common sin of great rulers—the lust of military glory. He was the first of our kings since William the Conqueror who combined military genius with political capacity; but of the warrior's temper, of the temper that finds delight in war, he had little or none. His freedom from it was the more remarkable that Edward was a great soldier. His strategy in the campaign before Evesham marked him as a consummate general. Earl Simon was forced to admire the skill of his advance on the fatal field, and the operations by which he met the risings that followed it were a model of rapidity and military grasp. In his Welsh campaigns he was soon to show a tenacity and force of will which wrested victory out of the midst of defeat. He could head a furious charge of horse as at Lewes, or organize a commissariat, which enabled him to move army after army across the harried Lowlands. In his old age he was quick to discover the value of the English archery, and to employ it as a means of victory at Falkirk. But master as he was of the art of war, and forced from time to time to show his mastery in great campaigns, in no single instance was he the assailant. He fought only when he was forced to fight; and when fighting was over he turned back quietly to the work of administration and the making of laws.

255. War in fact was with Edward simply a means of carrying out the ends of statesmanship, and it was in the character of his statesmanship that his real

greatness made itself felt. His policy was an English policy; he was firm to retain what was left of the French dominion of his race, but he abandoned from the first all dreams of recovering the wider dominions which his grandfather had lost. His mind was not on that side of the channel, but on this. He concentrated his energies on the consolidation and good government of England itself. We can only fairly judge the annexation of Wales or his attempt to annex Scotland, if we look on his efforts in either quarter as parts of the same scheme of national administration to which we owe his final establishment of our judicature, our legislation, our parliament. The character of his action was no doubt determined in great part by the general mood of his age, an age whose special task and aim seemed to be that of reducing to distinct form the principles which had sprung into a new and vigorous life during the age which preceded it. As the opening of the thirteenth century had been an age of founders, creators, discoverers, so its close was an age of lawyers, of rulers, such as St. Lewis of France or Alfonzo the Wise of Castile, organizers, administrators, framers of laws and institutions. It was to this class that Edward himself belonged. He had little of creative genius, of political originality, but he possessed in a high degree the passion for order and good government, the faculty of organization, and a love of law which broke out even in the legal chicanery to which he sometimes stooped. In the judicial reforms to which so much of his attention was directed, he showed himself, if not an "English

Justinian," at any rate a clear-sighted and judicious man of business, developing, reforming, bringing into a shape which has borne the test of five centuries' experience, the institutions of his predecessors. If the excellence of a statesman's work is to be measured by its duration, and the faculty it has shown of adapting itself to the growth and development of a nation, then the work of Edward rises to the highest standard of excellence. Our law courts preserve to this very day the form which he gave them. Mighty as has been the growth of our parliament, it has grown on the lines which he laid down. The great roll of English statutes reaches back in unbroken series to the statutes of Edward. The routine of the first Henry, the administrative changes which had been imposed on the nation by the clear head and imperious will of the second, were transformed under Edward into a political organization with carefully-defined limits, directed not by the king's will alone, but by the political impulse of the people at large. His social legislation was based in the same fashion on principles which had already been brought into practical working by Henry the Second. It was no doubt in great measure owing to this practical sense of its financial and administrative value, rather than to any foresight of its political importance, that we owe Edward's organization of our parliament. But if the institutions which we commonly associate with his name owe their origin to others, they owe their form and their perpetuity to him.

256. The king's English policy, like his English

name, was in fact the sign of a new epoch. England was made. The long period of national formation had come practically to an end. With the reign of Edward begins the constitutional England in which we live. It is not that any chasm separates our history before it from our history after it as the chasm of the Revolution divides the history of France, for we have traced the rudiments of our constitution to the first moment of the English settlement in Britain. But it is with these as with our language. The tongue of Ælfred is the very tongue we speak, but in spite of its identity with modern English it has to be learned like the tongue of a stranger. On the other hand, the English of Chaucer is almost as intelligible as our own. In the first the historian and philologist can study the origin and development of our national speech, in the last a schoolboy can enjoy the story of Troilus and Cressida or listen to the gay chat of the Canterbury Pilgrims. In precisely the same way a knowledge of our earliest laws is indispensable for the right understanding of later legislation, its origin and its development, while the principles of our parliamentary system must necessarily be studied in the Meetings of Wise Men before the conquest or the Great Council of barons after it. But the Parliaments which Edward gathered at the close of his reign are not merely illustrative of the history of later parliaments, they are absolutely identical with those which still sit at St. Stephen's. At the close of his reign, king, lords, commons, the courts of justice, the forms of public administration, the relations of church and state, all local divisions

and provincial jurisdictions, in great measure the framework of society itself, have taken the shape which they essentially retain. In a word, the long struggle of the constitution for actual existence has come to an end. The contests which follow are not contests that tell, like those that preceded them, on the actual fabric of our institutions; they are simply stages in the rough discipline by which England has learned and is still learning how best to use and how wisely to develop the latent powers of its national life, how to adjust the balance of its social and political forces, how to adapt its constitutional forms to the varying conditions of the time.

257. The news of his father's death found Edward at Capua in the opening of 1273; but the quiet of his realm under a regency of which Roger Mortimer was the practical head left him free to move slowly homewards. Two of his acts while thus journeying through Italy show that his mind was already dwelling on the state of English finance and of English law. His visit to the pope at Orvieto was with a view of gaining permission to levy from the clergy a tenth of their income for the three coming years, while he drew from Bologna its most eminent jurist, Francesco Accursi, to aid in the task of legal reform. At Paris he did homage to Philip the Third for his French possessions, and then turning southward he devoted a year to the ordering of Gascony. It was not till the summer of 1274 that the king reached England. But he had already planned the work he had to do, and the measures which he laid before the parliament of 1275 were signs of the spirit in which he was

to set about it. The First Statute of Westminster was rather a code than a statute. It contained no less than fifty-one clauses, and was an attempt to summarize a number of previous enactments contained in the Great Charter, the Provisions of Oxford, and the Statute of Marlborough, as well as to embody some of the administrative measures of Henry the Second and his son. But a more pressing need than that of a codification of the law was the need of a reorganization of finance. While the necessities of the crown were growing with the widening of its range of administrative action, the revenues of the crown admitted of no corresponding expansion. In the earliest times of our history the outgoings of the crown were as small as its income. All local expenses, whether for justice or road-making or fortress-building, were paid by local funds; and the national "fyrd" served at its own cost in the field. The produce of a king's private estates with the provisions due to him from the public lands scattered over each county, whether gathered by the king himself as he moved over his realm, or as in later days fixed at a stated rate and collected by his sheriff, were sufficient to defray the mere expenses of the court. The Danish wars gave the first shock to this simple system. To raise a ransom which freed the land from the invader, the first land-tax, under the name of the Danegeld, was laid on every hide of ground; and to this national taxation the Norman kings, added the feudal burthens of the new military estates created by the conquest, reliefs paid on inheritance, profits of marriages and ward-

ship, and the three feudal aids. But foreign warfare soon exhausted these means of revenue; the barons and bishops in their Great Council were called on at each emergency for a grant from their lands, and at each grant a corresponding demand was made by the king as a landlord on the towns, as lying for the most part in the royal demesne. The cessation of Danegeld under Henry the Second and his levy of scutage made little change in the general incidence of taxation; it still fell wholly on the land, for even the townsmen paid as holders of their tenements. But a new principle of taxation was disclosed in the tithe levied for a crusade at the close of Henry's reign. Land was no longer the only source of wealth. The growth of national prosperity, of trade and commerce, was creating a mass of personal property which offered irresistible temptations to the Angevin financiers. The old revenue from landed property was restricted and lessened by usage and compositions. Scutage was only due for foreign campaigns: the feudal aids only on rare and stated occasions: and though the fines from the shire-courts grew with the growth of society, the dues from the public lands were fixed and incapable of development. But no usage fettered the crown in dealing with personal property, and its growth in value promised a growing revenue. From the close of Henry the Second's reign, therefore, this became the most common form of taxation. Grants of from a seventh to a thirtieth of movables, household property, and stock were demanded; and it was the necessity of procuring their assent to these demands

which enabled the baronage through the reign of Henry the Third to bring a financial pressure to bear on the crown.

258. But in addition to these two forms of direct taxation, indirect taxation also was coming more and more to the front. The right of the king to grant licenses to bring goods into or to trade within the realm, a right springing from the need for his protection felt by the strangers who came there for purposes of traffic, laid the foundation of our taxes on imports. Those on exports were only a part of the general system of taxing personal property, which we have already noticed. How tempting this source of revenue was proving we see from a provision of the great charter which forbids the levy of more than the ancient customs on merchants entering or leaving the realm. Commerce was in fact growing with the growing wealth of the people. The crowd of civil and ecclesiastical buildings which date from this period shows the prosperity of the country. Christian architecture reached its highest beauty in the opening of Edward's reign; a reign marked by the completion of the abbey church of Westminster and of the cathedral church at Salisbury. An English noble was proud to be styled "an incomparable builder," while some traces of the art which was rising into life across the Alps flowed in, it may be, with the Italian ecclesiastics whom the papacy forced on the English church. The shrine of the Confessor at Westminster, the mosaic pavement beside the altar of the abbey, the paintings on the walls of its chapter-house, remind us of the schools

which were springing up under Giotto and the Pisans. But the wealth which this art progress shows drew trade to English shores. England was as yet simply an agricultural country. Gascony sent her wines; her linens were furnished by the looms of Ghent and Liége; Genoese vessels brought to her fairs the silks, the velvets, the glass of Italy. In the barks of the Hanse merchants came fur and amber from the Baltic, herrings, pitch, timber, and naval stores from the countries of the north. Spain sent us iron and war-horses. Milan sent armor. The great Venetian merchant-galleys touched the southern coasts, and left in our ports the dates of Egypt, the figs and currants of Greece, the silk of Sicily, the sugar of Cyprus and Crete, the spices of the eastern seas. Capital, too, came from abroad. The bankers of Florence and Lucca were busy with loans to the court or vast contracts with the wool-growers. The bankers of Cahors had already dealt a death-blow to the usury of the Jew. Against all this England had few exports to set. The lead supplied by the mines of Derbyshire, the salt of the Worcestershire springs, the iron of the Weald, were almost wholly consumed at home. The one metal export of any worth was that of tin from the tin mines of Cornwall. But the production of wool was fast becoming a main element of the nation's wealth. Flanders, the great manufacturing country of the time, lay fronting our eastern coast; and with this market close at hand the pastures of England found more and more profit in the supply of wool. The Cistercian order, which possessed

vast ranges of moorland in Yorkshire, became famous as wool-growers; and their wool had been seized for Richard's ransom. The Florentine merchants were developing this trade by their immense contracts; we find a single company of merchants contracting for the purchase of the Cistercian wool throughout the year. It was after counsel with the Italian bankers that Edward devised his scheme for drawing a permanent revenue from this source. In the parliament of 1275 he obtained the grant of half a mark, or six shillings and eightpence, on each sack of wool exported; and this grant, a grant memorable as forming the first legal foundation of our customs-revenue, at once relieved the necessities of the crown.

259. The grant of the wool tax enabled Edward, in fact, to deal with the great difficulty of his realm. The troubles of the barons' war, the need which Earl Simon felt of Llewellyn's alliance to hold in check the Marcher-barons, had all but shaken off from Wales the last traces of dependence. Even at the close of the war the threat of an attack from the now united kingdom only forced Llewellyn to submission on a practical acknowledgment of his sovereignty. Although the title which Llewellyn ap Iorwerth claimed of Prince of North Wales was recognized by the English court in the earlier days of Henry the Third, it was withdrawn after 1229, and its claimant known only as Prince of Aberffraw. But the loftier title of Prince of Wales, which Llewellyn ap Gryffydd assumed in 1256, was formally conceded to him in 1267, and his right to receive

homage from the other nobles of his principality was formally sanctioned. Near, however, as he seemed to the final realization of his aims, Llewellyn was still a vassal of the English crown, and the accession of Edward to the throne was at once followed by the demand of homage. But the summons was fruitless; and the next two years were wasted in as fruitless negotiation. The kingdom, however, was now well in hand. The royal treasury was filled again, and in 1277 Edward marched on North Wales. The fabric of Welsh greatness fell at a single blow. The chieftains who had so lately sworn fealty to Llewellyn in the southern and central parts of the country deserted him to join his English enemies in their attack; an English fleet reduced Anglesea; and the prince was cooped up in his mountain fastnesses, and forced to throw himself on Edward's mercy. With characteristic moderation the conqueror contented himself with adding to the English dominions the coast-district as far as Conway, and with providing that the title of Prince of Wales should cease at Llewellyn's death. A heavy fine which he had incurred by his refusal to do homage was remitted; and Eleanor, a daughter of Earl Simon of Montfort, whom he had sought as his wife, but who had been arrested on her way to him, was wedded to the prince at Edward's court.

260. For four years all was quiet across the Welsh Marches, and Edward was able again to turn his attention to the work of internal reconstruction. It is probably to this time, certainly to the earlier years of his reign, that we may attribute his modification

or our judicial system. The king's court was divided into three distinct tribunals: the court of exchequer, which took cognizance of all causes in which the royal revenue was concerned; the court of common pleas for suits between private persons; and the king's bench, which had jurisdiction in all matters that affected the sovereign, as well as in "pleas of the crown," or criminal causes expressly reserved for his decision. Each court was now provided with a distinct staff of judges. Of yet greater importance than this change, which was in effect but the completion of a process of severance that had long been going on, was the establishment of an equitable jurisdiction, side by side with that of the common law. In his reform of 1178, Henry the Second broke up the older king's court, which had till then served as the final court of appeal, by the severance of the purely legal judges, who had been gradually added to it, from the general body of his councilors. The judges thus severed from the council retained the name and the ordinary jurisdiction of "the king's court," but the mere fact of their severance changed in an essential way the character of the justice they dispensed. The king in council wielded a power which was not only judicial, but executive; his decisions, though based upon custom, were not fettered by it; they were the expressions of his will, and it was as his will that they were carried out by officers of the crown. But the separate bench of judges had no longer this unlimited power at their command. They had not the king's right as representative of the community to make the law

for the redress of a wrong. They professed simply to declare what the existing law was, even if it was insufficient for the full purpose of redress. The authority of their decision rested mainly on their adhesion to ancient custom, or as it was styled the "common law," which had grown up in the past. They could enforce their decisions only by directions to an independent officer, the sheriff, and here again their right was soon rigidly bounded by set form and custom. These bonds, in fact, became tighter every day, for their decisions were now beginning to be reported, and the cases decided by one bench of judges became authorities for their successors. It is plain that such a state of things has the utmost value in many ways, whether in creating in men's minds that impersonal notion of a sovereign law, which exercises its imaginative force on human action, or in furnishing, by the accumulation and sacredness of precedents, a barrier against the invasion of arbitrary power. But it threw a terrible obstacle in the way of the actual redress of wrong. The increasing complexity of human action as civilization advanced outstripped the efforts of the law. Sometimes ancient custom furnished no redress for a wrong which sprang from modern circumstances. Sometimes the very pedantry and inflexibility of the law itself became, in individual cases, the highest injustice.

261. It was the consciousness of this that made men cling even from the first moment of the independent existence of these courts to the judicial power which still remained inherent in the crown

itself. If his courts fell short in any matter, the duty of the king to do justice to all still remained, and it was this obligation which was recognized in the provision of Henry the Second by which all cases in which his judges failed to do justice were reserved for the special cognizance of the royal council itself. To this final jurisdiction of the king in council Edward gave a wide development. His assembly of the ministers, the higher permanent officials, and the law officers of the crown for the first time reserved to itself in its judicial capacity the correction of all breeches of the law which the lower courts had failed to repress, whether from weakness, partiality, or corruption, and especially of those lawless outbreaks of the more powerful baronage which defied the common authority of the judges. Such powers were of course capable of terrible abuse, and it shows what real need there was felt to be for their exercise that, though regarded with jealousy by parliament, the jurisdiction of the royal council appears to have been steadily put into force through the two centuries which followed. In the reign of Henry the Seventh it took legal and statutory form in the shape of the court of star chamber, and its powers are still exercised in our own day by the judicial committee of the privy council. But the same duty of the crown to do justice where its courts fell short of giving due redress for wrong expressed itself in the jurisdiction of the chancellor. This great officer of state, who had perhaps originally acted only as president of the council when discharging its judicial functions,

acquired at a very early date an independent judicial position of the same nature. It is by remembering this origin of the court of chancery that we understand the nature of the powers it gradually acquired. All grievances of the subject, especially those which sprang from the misconduct of government officials or of powerful oppressors, fell within its cognizance as they fell within that of the royal council, and to these were added disputes respecting the wardship of infants, dower, rent-charges, or tithes. Its equitable jurisdiction sprang from the defective nature and the technical and unbending rules of the common law. As the council had given redress in cases where law became injustice, so the court of chancery interfered without regard to the rules of procedure adopted by the common law courts on the petition of a party for whose grievance the common law provided no adequate remedy. An analogous extension of his powers enabled the chancellor to afford relief in cases of fraud, accident, or abuse of trust, and this side of his jurisdiction was largely extended at a later time by the results of legislation on the tenure of land by ecclesiastical bodies. The separate powers of the chancellor, whatever was the original date at which they were first exercised, seem to have been thoroughly established under Edward the First.

262. What reconciled the nation to the exercise of powers such as these by the crown and its council was the need which was still to exist for centuries of an effective means of bringing the baronage within the reach of the law. Constitutionally the position of the English nobles had now become established.

A king could no longer make laws or levy taxes or even make war without their assent. The nation reposed in them an unwavering trust, for they were no longer the brutal foreigners from whose violence the strong hand of a Norman ruler had been needed to protect his subjects; they were as English as the peasant or the trader. They had won English liberty by their swords, and the tradition of their order bound them to look on themselves as its natural guardians. The close of the Barons' war solved the problem which had so long troubled the realm—the problem how to insure the government of the realm in accordance with the provisions of the Great Charter, by the transfer of the business of administration into the hands of a standing committee of the greater barons and prelates, acting as chief officers of state in conjunction with specially appointed ministers of the crown. The body thus composed was known as the continual council; and the quiet government of the kingdom by this body in the long interval between the death of Henry the Third and his son's return shows how effective this rule of the nobles was. It is significant of the new relation which they were to strive to establish between themselves and the crown, that in the brief which announced Edward's accession the council asserted that the new monarch mounted his throne "by the will of the peers." But while the political influence of the baronage as a leading element in the whole nation thus steadily mounted, the personal and purely feudal power of each individual baron on his own estates as steadily fell. The hold which the crown gained on every

noble family by its rights of wardship and marriage, the circuits of the royal judges, the ever narrowing bounds within which baronial justice saw itself circumscribed, the blow dealt by scutage at their military power, the prompt intervention of the council in their feuds, lowered the nobles more and more to the common level of their fellow-subjects. Much yet remained to be done; for within the general body of the baronage there existed side by side with the nobles whose aims were purely national, nobles who saw in the overthrow of the royal despotism simply a chance of setting up again their feudal privileges; and different as the English baronage, taken as a whole, was from a feudal *noblesse* like that of Germany or France, there is in every military class a natural drift toward violence and lawlessness. Throughout Edward's reign his strong hand was needed to enforce order on warring nobles. Great earls, such as those of Gloucester and Hereford, carried on private war; in Shropshire the Earl of Arundel waged his feud with Fulk Fitz Warine. To the lesser and poorer nobles the wealth of the trader, the long wain of goods as it passed along the highway, remained a tempting prey. Once, under cover of a mock tournament of monks against canons, a band of country gentlemen succeeded in introducing themselves into the great merchant fair at Boston; at nightfall every booth was on fire, the merchants robbed and slaughtered, and the booty carried off to ships which lay ready at the quay. Streams of gold and silver, ran the tale of popular horror, flowed melted down the gutters to the sea; "all the money

in England could hardly make good the loss." Even at the close of Edward's reign lawless bands of "trail-bastons," or club-men, maintained themselves by general outrage, aided the country nobles in their feuds, and wrested money and goods from the great tradesmen.

263. The king was strong enough to face and imprison the warring earls, to hang the chiefs of the Boston marauders, and to suppress the outlaws by rigorous commissions. But the repression of baronial outrage was only a part of Edward's policy in relation to the baronage. Here, as elsewhere, he had to carry out the political policy of his house, a policy defined by the great measures of Henry the Second, his institution of scutage, his general assize of arms, his extension of the itinerant judicature of the royal judges. Forced by the first to an exact discharge of their military duties to the crown, set by the second in the midst of a people trained equally with the nobles to arms, their judicial tyranny curbed and subjected to the king's justice by the third, the barons had been forced from their old standpoint of an isolated class to the new and nobler position of a people's leaders. Edward watched jealously over the ground which the crown had gained. Immediately after his landing he appointed a commission of inquiry into the judicial franchises then existing, and on its report (of which the existing "Hundred-Rolls" are the result) itinerant justices were sent in 1278, to discover by what right these franchises were held. The writs of "quo warranto" were roughly met here and there. Earl Warenne bared a rusty sword and

flung it on the justices' table. "This, sirs," he said, "is my warrant. By the sword our fathers won their lands when they came over with the Conqueror, and by the sword we will keep them." But the king was far from limiting himself to the mere carrying out of the plans of Henry the Second. Henry had aimed simply at lowering the power of the great feudatories; Edward aimed rather at neutralizing their power by raising the whole body of land-owners to the same level. We shall see at a later time the measures which were the issues of this policy, but in the very opening of his reign a significant step pointed to the king's drift. In the summer of 1278 a royal writ ordered all freeholders who held lands to the value of £20 to receive knighthood at the king's hands.

264. Acts as significant announced Edward's purpose of carrying out another side of Henry's policy—that of limiting in the same way the independent jurisdiction of the church. He was resolute to force it to become thoroughly national by bearing its due part of the common national burthens, and to break its growing dependence upon Rome. But the ecclesiastical body was jealous of its position as a power distinct from the power of the crown, and Edward's policy had hardly declared itself, when, in 1279, Archbishop Peckham obtained a canon from the clergy, by which copies of the great charter, with its provisions in favor of the liberties of the church, were to be affixed to the doors of churches. The step was meant as a defiant protest against all interference, and it was promptly forbidden. An order

issued by the primate to the clergy to declare to their flocks the sentences of excommunication directed against all who obtained royal writs to obstruct suits in church courts, or who, whether royal officers or no, neglected to enforce their sentences, was answered in a yet more emphatic way. By falling into the "dead hand" or "mortmain" of the church, land ceased to render its feudal services; and, in 1279, the statute "*de Religiosis*," or, as it is commonly called, of "mortmain," forbade any further alienation of land to religious bodies in such wise that it should cease to render its due service to the king. The restriction was probably no beneficial one to the country at large, for churchmen were the best landlords, and it was soon evaded by the ingenuity of the clerical lawyers; but it marked the growing jealousy of any attempt to set aside what was national from serving the general need and profit of the nation. Its immediate effect was to stir the clergy to a bitter resentment. But Edward remained firm, and when the bishops proposed to restrict the royal courts from dealing with cases of patronage or causes which touched the chattels of churchmen, he met their proposals by an instant prohibition.

265. The resentment of the clergy had soon the means of showing itself during a new struggle with Wales. The persuasions of his brother, David, who had deserted him in the previous war, but who deemed his desertion insufficiently rewarded by an English lordship, roused Llewellyn to a fresh revolt. A prophecy of Merlin was said to promise that when English money became round, a prince of Wales

should be crowned in London; and at this moment a new coinage of copper money, coupled with a prohibition to break the silver penny into halves and quarters, as had been commonly done, was supposed to fulfill the prediction. In 1282, Edward marched in overpowering strength into the heart of Wales. But Llewellyn held out in Snowdon with the stubbornness of despair, and the rout of an English force which had crossed into Anglesea, prolonged the contest into the winter. The cost of the war fell on the king's treasury. Edward had called for but one general grant through the past eight years of his reign; but he was now forced to appeal to his people, and by an expedient hitherto without precedent, two provincial councils were called for this purpose. That for southern England met at Northampton, that for northern at York; and clergy and laity were summoned, though in separate session, to both. Two knights came from every shire, two burgesses from every borough, while the bishops brought their archdeacons, abbots, and the proctors of their cathedral clergy. The grant of the laity was quick and liberal. But both at York and Northampton the clergy showed their grudge at Edward's measures by long delays in supplying his treasury. Pinched, however, as were his resources, and terrible as were the sufferings of his army through the winter, Edward's firmness remained unbroken; and, rejecting all suggestions of retreat, he issued orders for the formation of a new army at Caermarthen to complete the circle of investment round Llewellyn. But the war came suddenly to an end. The prince sallied from his moun-

tain hold for a raid upon Radnorshire, and fell in a petty skirmish on the banks of the Wye. With him died the independence of his race. After six months of flight, his brother David was made prisoner; and a parliament summoned at Shrewsbury in the autumn of 1283, to which each county again sent its two knights and twenty boroughs their two burgesses, sentenced him to a traitor's death. The submission of the lesser chieftains soon followed; and the country was secured by the building of strong castles at Conway and Caernarvon, and the settlement of English barons on the confiscated soil. The statute of Wales, which Edward promulgated at Rhuddian in 1284 proposed to introduce English law and the English administration of justice and government into Wales. But little came of the attempt; and it was not till the time of Henry the Eighth that the country was actually incorporated with England and represented in the English parliament. What Edward had really done was to break the Welsh resistance. The policy with which he followed up his victory (for the "massacre of the bards" is a mere fable) accomplished its end, and, though two later rebellions and a ceaseless strife of the natives with the English towns in their midst showed that the country was still far from being reconciled to its conquest, it ceased to be any serious danger to England for a hundred years.

266. From the work of conquest, Edward again turned to the work of legislation. In the midst of his struggle with Wales, he had shown his care for the commercial classes, by a statute of merchants, in

1283, which provided for the registration of the debts of traders and for their recovery by distraint of the debtor's goods, and the imprisonment of his person. The close of the war saw two measures of even greater importance. The second statute of Westminster, which appeared in 1285, is a code of the same sort as the first, amending the statutes of mortmain, of Merton, and of Gloucester, as well as the laws of dower and advowson, remodeling the system of justices of assize, and curbing the abuses of manorial jurisdiction. In the same year appeared the greatest of Edward's measures for the enforcement of public order. The statute of Winchester revived and reorganized the old institutions of national police and national defense. It regulated the action of the hundred, the duty of watch and ward and the gathering of the fyrd or militia of the realm, as Henry the Second had molded it into form in his assize of arms. Every man was bound to hold himself in readiness, duly armed, for the king's service in case of invasion, or revolt, and to pursue felons when hue and cry were made after them. Every district was held responsible for crimes committed within its bounds; the gates of each town were to be shut at nightfall; and all strangers were required to give an account of themselves to the magistrates of any borough which they entered. By a provision, which illustrates at once the social and physical condition of the country at the time, all brushwood was ordered to be destroyed within a space of two hundred feet either side of the public highway as a security for travelers against sudden attacks from

robbers. To enforce the observance of this act, knights were appointed in every shire, under the name of conservators of the peace, a name which, as the benefit of these local magistrates was more sensibly felt and their powers were more largely extended, was changed into that which they still retain, of justices of the peace. So orderly, however, was the realm, that Edward was able, in 1286, to pass over sea to his foreign dominions, and to spend the next three years in reforming their government. But the want of his guiding hand was at last felt; and the parliament of 1289 refused a new tax till the king came home again.

267. He returned to find the earls of Gloucester and Hereford at war, and his judges charged with violence and corruption. The two earls were brought to peace, and Earl Gilbert allied closely to the royal house by a marriage with the king's daughter Johanna. After a careful investigation the judicial abuses were recognized and amended. Two of the chief justices were banished from the realm, and their colleagues imprisoned and fined. But these administrative measures were only preludes to a great legislative act which appeared in 1290. The third statute of Westminster, or, to use the name by which it is more commonly known, the statute "*Quia Emptores*," is one of those legislative efforts which mark the progress of a wide social revolution in the country at large. The number of the greater barons was diminishing every day, while the number of the country gentry and of the more substantial yeomanry was increasing with the increase of the national wealth. The

increase showed itself in a growing desire to become proprietors of land. Tenants of the barons received under-tenants on condition of their rendering them similar services to those which they themselves rendered to their lords; and the baronage, while duly receiving the services in compensation for which they had originally granted their lands in fee, saw with jealousy the feudal profits of these new under-tenants, the profits of wardships or of reliefs and the like, in a word, the whole increase in the value of the estate consequent on its sub-division and higher cultivation, passing into other hands than their own. The purpose of the statute "*Quia Emptores*" was to check this process by providing that in any case of alienation the sub-tenant should henceforth hold, not of the tenant, but directly of the superior lord. But its result was to promote instead of hindering the transfer and sub-division of land. The tenant who was compelled before the passing of the statute to retain in any case so much of the estate as enabled him to discharge his feudal services to the overlord of whom he held it, was now enabled by a process analogous to the modern sale of "tenant-right" to transfer both land and services to new holders. However small the estates thus created might be, the bulk were held directly of the crown; and this class of lesser gentry and freeholders grew steadily from this time in numbers and importance.

268. The year which saw "*Quia Emptores*," saw a step which remains the great blot upon Edward's reign. The work abroad had exhausted the royal

treasury, and he bought a grant from his parliament by listening to their wishes in the matter of the Jews. Jewish traders had followed William the Conqueror from Normandy, and had been enabled by his protection to establish themselves in separate quarters or "Jewries" in all larger English towns. The Jew had no right or citizenship in the land. The Jewry in which he lived was exempt from the common law. He was simply the king's chattel, and his life and goods were at the king's mercy. But he was too valuable a possession to be lightly thrown away. If the Jewish merchant had no standing-ground in the local court, the king enabled him to sue before a special justiciar; his bonds were deposited for safety in a chamber of the royal palace at Westminster; he was protected against the popular hatred in the free exercise of his religion, and allowed to build synagogues and to manage his own ecclesiastical affairs by means of a chief rabbi. The royal protection was dictated by no spirit of tolerance or mercy. To the kings the Jew was a mere engine of finance. The wealth which he accumulated was wrung from him whenever the crown had need, and torture and imprisonment were resorted to when milder means failed. It was the gold of the Jew that filled the royal treasury at the outbreak of war or revolt. It was in the Hebrew coffers that the foreign kings found strength to hold their baronage at bay.

269. That the presence of the Jew was, at least in the earlier years of his settlement, beneficial to the nation at large, there can be little doubt. His arrival was the arrival of a capitalist; and heavy as was the

usury he necessarily exacted in the general insecurity of the time, his loans gave an impulse to industry. The century which followed the conquest witnessed an outburst of architectural energy which covered the land with castles and cathedrals; but castle and cathedral alike owed their erection to the loans of the Jew. His own example gave a new vigor to domestic architecture. The buildings which, as at Lincoln and Bury St. Edmund's, still retain their name of "Jews' houses," were almost the first houses of stone which superseded the mere hovels of the English burghers. Nor was their influence simply industrial. Through their connection with the Jewish schools in Spain and the East, they opened a way for the revival of physical sciences. A Jewish medical school seems to have existed at Oxford; Roger Bacon himself studied under English rabbis. But the general progress of civilization now drew little help from the Jew, while the coming of the Cahorsine and Italian bankers drove him from the field of commercial finance. He fell back on the petty usury of loans to the poor, a trade necessarily accompanied with much of extortion, and which roused into fiercer life the religious hatred against their race. Wild stories floated about of children carried off to be circumcised or crucified, and a Lincoln boy who was found slain in a Jewish house was canonized by popular reverence as "St. Hugh." The first work of the friars was to settle in the Jewish quarters and attempt their conversion, but the popular fury rose too fast for these gentler means of reconciliation. When the Franciscans saved seventy Jews from hanging by

their prayer to Henry the Third, the populace angrily refused the brethren alms.

270. But all this growing hate was met with a bold defiance. The picture which is commonly drawn of the Jew as timid, silent, crouching under oppression, however truly it may represent the general position of his race throughout mediæval Europe, is far from being borne out by historical fact on this side the channel. In England the attitude of the Jew, almost to the very end, was an attitude of proud and even insolent defiance. He knew that the royal policy exempted him from the common taxation, the common justice, the common obligations of Englishmen. Usurer, extortioner as the realm held him to be, the royal justice would secure him the repayment of his bonds. A royal commission visited with heavy penalties any outbreak of violence against the king's "chattels." The red king actually forbade the conversion of a Jew to the Christian faith; it was a poor exchange, he said, that would rid him of a valuable property and give him only a subject. We see in such a case as that of Oxford the insolence that grew out of this consciousness of the royal protection. Here as elsewhere the Jewry was a town within a town, with its own language, its own religion and law, its peculiar commerce, its peculiar dress. No city bailiff could penetrate into the square of little alleys which lay behind the present town hall; the church itself was powerless to prevent a synagogue from rising in haughty rivalry over against the cloister of St. Frideswide. Prior Philip of St. Frideswide com-

plains bitterly of a certain Hebrew who stood at his door as the procession of the saint passed by, mocking at the miracles which were said to be wrought at her shrine. Halting and then walking firmly on his feet, showing his hands clenched as if with palsy, and then flinging open his fingers, the Jew claimed gifts and oblations from the crowd that flocked to St. Frideswide's shrine on the ground that such recoveries of life and limb were quite as real as any that Frideswide ever wrought. Sickness and death in the prior's story avenge the saint on her blasphemer, but no earthly power, ecclesiastical or civil, seems to have ventured to deal with him. A more daring act of fanaticism showed the temper of the Jews even at the close of Henry the Third's reign. As the usual procession of scholars and citizens returned from St. Frideswide's on the Ascension day of 1268, a Jew suddenly burst from a group of his comrades in front of the synagogue, and wrenching the crucifix from its bearer trod it under foot. But even in presence of such an outrage as this the terror of the crown sheltered the Oxford Jews from any burst of popular vengeance. The sentence of the king condemned them to set up a cross of marble on the spot where the crime was committed, but even this sentence was in part remitted, and a less offensive place was found for the cross in an open plot by Merton College.

271. Up to Edward's day, indeed, the royal protection had never wavered. Henry the Second granted the Jews a right of burial outside every city where they dwelt. Richard punished heavily a mas-

sacre of the Jews at York, and organized a mixed court of Jews and Christians for the registration of their contracts. John suffered none to plunder them save himself, though he once wrested from them a sum equal to a year's revenue of his realm. The troubles of the next reign brought in a harvest greater than even the royal greed could reap; the Jews grew wealthy enough to acquire estates; and only a burst of popular feeling prevented a legal decision which would have enabled them to own freeholds. But the sack of Jewry after Jewry showed the popular hatred during the Barons' war, and at its close fell on the Jews the more terrible persecution of the law. To the cry against usury and the religious fanaticism which threatened them was now added the jealousy with which the nation that had grown up round the charter regarded all exceptional jurisdictions or exemptions from the common law and the common burdens of the realm. As Edward looked on the privileges of the church or the baronage, so his people looked on the privileges of the Jews. The growing weight of the parliament told against them. Statute after statute hemmed them in. They were forbidden to hold real property, to employ Christian servants, to move through the streets without the two white tablets of wool on their breasts which distinguished their race. They were prohibited from building new synagogues, or eating with Christians, or acting as physicians to them. Their trade, already crippled by the rivalry of the bankers of Cahors, was annihilated by a royal order which bade them renounce usury under pain of death. At last persecu-

tion could do no more, and Edward, eager at the moment to find supplies for his treasury and himself, swayed by the fanaticism of his subjects, bought the grant of a fifteenth from clergy and laity by consenting to drive the Jews from his realm. No share of the enormities which accompanied this expulsion can fall upon the king, for he not only suffered the fugitives to take their personal wealth with them, but punished with the halter those who plundered them at sea. But the expulsion was none the less cruel. Of the 16,000 who preferred exile to apostasy, few reached the shores of France. Many were wrecked, others robbed and flung overboard. One ship-master turned out a crew of wealthy merchants on to a sand-bank and bade them call a new Moses to save them from the sea.

272. From the expulsion of the Jews, as from his nobler schemes of legal and administrative reforms, Edward was suddenly called away to face complex questions which awaited him in the north. At the moment which we have reached, the kingdom of the Scots was still an aggregate of four distinct countries, each with its different people, its different tongue, its different history. The old Pictish kingdom across the Firth of Forth, the original Scot kingdom in Argyle, the district of Cumbria or Strathclyde, and the Lowlands which stretched from the Firth of Forth to the English border, had become united under the kings of the Scots; Pictland by inheritance, Cumbria by a grant from the English king Eadmund, the Lowlands by conquest, confirmed as English tradition alleged by a grant

from Cnut. The shadowy claim of dependence on the English crown which dated from the days when a Scotch king "commended" himself and his people to Ælfred's son Eadward, a claim strengthened by the grant of Cumbria to Malcolm as a "fellow worker" of the English sovereign "by sea and land," may have been made more real through this last convention. But whatever change the acquisition of the Lowlands made in the relation of the Scot kings to the English sovereigns, it certainly affected in a very marked way their relation both to England and to their own realm. Its first result was the fixing of the royal residence in their new southern dominion at Edinburgh; and the English civilization which surrounded them from the moment of this settlement on what was purely English ground changed the Scot kings in all but blood into Englishmen. The marriage of King Malcolm with Margaret, the sister of Eadgar Ætheling, not only hastened this change but opened a way to the English crown. Their children were regarded by a large party within England as representatives of the older royal race and as claimants of the throne, and this danger grew as William's devastation of the north not only drove fresh multitudes of Englishmen to settle in the Lowlands, but filled the Scotch court with English nobles who fled thither for refuge. So formidable, indeed, became the pretensions of the Scot kings that they forced the ablest of our Norman sovereigns into a complete change of policy. The Conqueror and William the Red had met the threats of the Scot sovereigns by invasions which ended, again and

again, in an illusory homage, but the marriage of Henry the First with the Scottish Matilda robbed the claims of the Scottish line of much of their force, while it enabled him to draw their kings into far closer relations with the Norman throne. King David not only abandoned the ambitious dreams of his predecessors to place himself at the head of his niece Matilda's party in her contest with Stephen, but as Henry's brother-in-law he figured as the first noble of the English court and found English models and English support in the work of organization which he attempted within his own dominions. As the marriage with Margaret had changed Malcolm from a Celtic chieftain into an English king, so that of Matilda brought about the conversion of David into a Norman and feudal sovereign. His court was filled with Norman nobles from the south, such as the Balliols and Bruces, who were destined to play so great a part afterwards, but who now for the first time obtained fiefs in the Scottish realm, and a feudal jurisprudence modeled on that of England was introduced into the Lowlands.

273. A fresh connection between Scotland and the English sovereigns began with the grant of lordships within England itself to the Scot kings or their sons. The earldom of Northumberland was held by David's son Henry, that of Huntingdon by Henry the Lion. Homage was sometimes rendered, whether for these lordships, for the Lowlands, or for the whole Scottish realm, but it was the capture of William the Lion during the revolt of the English baronage which first suggested to the ambition of

Henry the Second the project of a closer dependence of Scotland on the English crown. To gain his freedom William consented to hold his kingdom of Henry and his heirs. The prelates and lords of Scotland did homage to Henry as to their direct lord, and a right of appeal in all Scotch causes was allowed to the superior court of the English suzerain. From this bondage, however, Scotland was freed by the prodigality of Richard, who allowed her to buy back the freedom she had forfeited. Both sides fell into their old position, but both were ceasing gradually to remember the distinctions between the various relations in which the Scot king stood for his different provinces to the English crown. Scotland had come to be thought of as a single country; and the court of London transferred to the whole of it those claims of direct feudal suzerainty which at most applied only to Strathclyde, while the court of Edinburgh looked on the English Lowlands as holding no closer relation to England than the Pictish lands beyond the Forth. Any difficulties which arose were evaded by a legal compromise. The Scot kings repeatedly did homage to the English sovereign, but with a reservation of rights which were prudently left unspecified. The English king accepted the homage on the assumption that it was rendered to him as overlord of the Scottish realm, and this assumption was neither granted nor denied. For nearly a hundred years the relations of the two countries were thus kept peaceful and friendly, and the death of Alexander the Third seemed destined to remove even the necessity of protests by a closer union of the two king-

doms. Alexander had wedded his only daughter to the King of Norway, and after long negotiation the Scotch parliament proposed the marriage of Margaret, "the Maid of Norway," the girl who was the only issue of this marriage, and so heiress of the kingdom, with the son of Edward the First. It was, however, carefully provided in the marriage treaty, which was concluded at Brigham in 1290, that Scotland should remain a separate and free kingdom, and that its laws and customs should be preserved inviolate. No military aid was to be claimed by the English king, no Scotch appeal to be carried to an English court. But this project was abruptly frustrated by the child's death during her voyage to Scotland in the following October, and with the rise of claimant after claimant of the vacant throne Edward was drawn into far other relations to the Scottish realm.

274. Of the thirteen pretenders to the throne of Scotland only three could be regarded as serious claimants. By the extinction of the line of William the Lion the right of succession passed to the daughters of his brother David. The claim of John Balliol, lord of Galloway, rested on his descent from the elder of these; that of Robert Bruce, lord of Annandale, on his descent from the second; that of John Hastings, lord of Abergavenny, on his descent from the third. It is clear that at this crisis every one in Scotland, or out of it, recognized some sort of overlordship in Edward, for the Norwegian king, the primate of St. Andrews, and seven of the Scotch earls had already appealed to him before Margaret's death; and her death was followed by the consent

both of the claimants and the council of regency to refer the question of the succession to his decision in a parliament at Norham. But the overlordship which the Scots acknowledged was something far less direct and definite than the superiority which Edward claimed at the opening of this conference in May, 1291. His claim was supported by excerpts from monastic chronicles and by the slow advance of an English army; while the Scotch lords, taken by surprise, found little help in the delay which was granted them. At the opening of June, therefore, in common with nine of the claimants, they formally admitted Edward's direct suzerainty. To the nobles, in fact, the concession must have seemed a small one, for like the principal claimants they were for the most part Norman in blood, with estates in both countries, and looking for honors and pensions from the English court. From the commons, who were gathered with the nobles at Norham, no such admission of Edward's claims could be extorted; but in Scotland, feudalized as it had been by David, the commons were as yet of little weight, and their opposition was quietly passed by. All the rights of a feudal suzerain were at once assumed by the English king; he entered into the possession of the country as into that of a disputed fief to be held by its overlord till the dispute was settled, his peace was sworn throughout the land, its castles delivered into his charge, while its bishops and nobles swore homage to him directly as their lord superior. Scotland was thus reduced to the subjection which she had experienced under Henry the Second; but the

full discussion which followed over the various claims to the throne showed that, while exacting to the full what he believed to be his right, Edward desired to do justice to the country itself. The body of commissioners which the king named to report on the claims to the throne were mainly Scotch. A proposal for the partition of the realm among the claimants was rejected as contrary to Scotch law. On the report of the commissioners, after a twelvemonth's investigation, in favor of Balliol as representative of the elder branch at the close of the year 1292, his homage was accepted for the whole kingdom of Scotland with a full acknowledgment of the services due from him to its overlord. The castles were at once delivered to the new monarch, and for a time there was peace.

275. With the accession of Balliol and the rendering of his homage for the Scottish realm the greatness of Edward reached its height. He was lord of Britain as no English king had been before. The last traces of Welch independence were trodden under foot. The shadowy claims of supremacy over Scotland were changed into a direct overlordship. Across the one sea Edward was lord of Guienne, across the other of Ireland, and in England itself a wise and generous policy had knit the whole nation round his throne. Firmly as he still clung to prerogatives which the baronage were as firm not to own, the main struggle for the charter was over. Justice and good government were secured. The personal despotism which John had striven to build up, the imperial autocracy which had haunted the

Imagination of Henry the Third, were alike set aside. The rule of Edward, vigorous and effective as it was, was a rule of law, and of law enacted not by the royal will, but by the common council of the realm. Never had English ruler reached a greater height of power, nor was there any sign to warn the king of the troubles which awaited him. France, jealous as it was of his greatness and covetous of his Gascon possessions, he could hold at bay. Wales was growing tranquil. Scotland gave few signs of discontent or restlessness in the first year that followed the homage of the king. Under John Balliol it had simply fallen back into the position of dependence which it held under William the Lion, and Edward had no purpose of pushing further his rights as suzerain than Henry the Second had done. One claim of the English crown, indeed, was soon a subject of dispute between the lawyers of the Scotch and of the English council boards. Edward would have granted as freely as Balliol himself that though Scotland was a dependent kingdom, it was far from being an ordinary fief of the English crown. By feudal custom a distinction had always been held to exist between the relations of a dependent king to a superior lord and those of a vassal noble to his sovereign. At Balliol's homage, indeed, Edward had disclaimed any right to the ordinary feudal incidents of a fief, those of wardship or marriage, and in this disclaimer he was only repeating the reservations of the marriage treaty of Brigham. There were other customs of the Scotch realm as incontestable as these. Even after the treaty of Falaise the Scotch

king had not been held bound to attend the council of the English baronage, to do service in English warfare, or to contribute on the part of his Scotch realm to English aids. If no express acknowledgment of these rights had been made by Edward for some time after his acceptance of Balliol's homage they were practically observed. The claim of independent justice was more doubtful, as it was of higher import than these. The judicial independence of Scotland had been expressly reserved in the marriage treaty. It was certain that no appeal from a Scotch king's court to that of his overlord had been allowed since the days of William the Lion. But in the jurisprudence of the feudal lawyers the right of ultimate appeal was the test of sovereignty, and Edward regarded Balliol's homage as having placed him precisely in the position of William the Lion and subjected his decisions to those of his overlord. He was resolute, therefore, to assert the supremacy of his court and to receive Scotch appeals.

276. Even here, however, the quarrel seemed likely to end only in legal bickering. Balliol at first gave way, and it was not till 1293 that he alleged himself forced by the resentment both of his baronage and his people to take up an attitude of resistance. While appearing, therefore, formally at Westminster he refused to answer an appeal before the English courts save by advice of his council. But real as the resentment of his barons may have been, it was not Scotland which really spurred Balliol to this defiance. His wounded pride had made him the tool of a power beyond the sea. The keenness with which

France had watched every step of Edward's success in the north sprang not merely from a natural jealousy of his greatness, but from its bearing on a great object of French ambition. One fragment of Eleanor's inheritance still remained to her descendants, Guienne and Gascony, the fair lands along the Garonne and the territory which stretched south of that river to the Pyrenees. It was this territory that now tempted the greed of Philip the Fair, and it was in feeding the strife between England and the Scotch king that Philip saw an opening for winning it. French envoys, therefore, brought promises of aid to the Scotch court; and no sooner had these intrigues moved Balliol to resent the claims of his overlord than Philip found a pretext for open quarrel with Edward in the frays which went constantly on in the channel between the mariners of Normandy and those of the Cinque ports. They culminated at this moment in a great sea-fight which proved fatal to 8,000 Frenchmen, and for this Philip haughtily demanded redress. Edward saw at once the danger of his position. He did his best to allay the storm by promise of satisfaction to France, and by addressing threats of punishment to the English seamen. But Philip still clung to his wrong, while the national passion which was to prove for a hundred years to come strong enough to hold down the royal policy of peace showed itself in a characteristic defiance with which the seamen of the Cinque ports met Edward's menaces. "Be the king's council well advised," ran this remonstrance, "that if wrong or grievance be done them in any fashion against

right, they will sooner forsake wives, children, and all that they have, and go seek through the seas where they shall think to make their profit." In spite, therefore, of Edward's efforts the contest continued, and Philip found in it an opportunity to cite the king before his court at Paris for wrongs done to him as suzerain. It was hard for Edward to dispute the summons without weakening the position which his own sovereign courts had taken up toward the Scotch king, and in a final effort to avert the conflict the king submitted to a legal decision of the question, and to a formal cession of Guienne into Philip's hands for forty days in acknowledgment of his supremacy. Bitter as the sacrifice must have been it failed to win peace. The forty days had no sooner passed than Philip refused to restore the fortresses which had been left in pledge. In February, 1294, he declared the English king contumacious, and in May declared his fiefs forfeited to the French crown. Edward was driven to take up arms, but a revolt in Wales deferred the expedition to the following year. No sooner, however, was it again taken in hand than it became clear that a double danger had to be met. The summons which Edward addressed to the Scotch barons to follow him in arms to Guienne was disregarded. It was in truth, as we have seen, a breach of customary law, and was probably meant to force Scotland into an open declaration of its connection with France. A second summons was followed by a more formal refusal. The greatness of the danger threw Edward on England itself. For a war in Guienne and the north he needed sup-

plies; but he needed yet more the firm support of his people in a struggle which, little as he foresaw its ultimate results, would plainly be one of great difficulty and danger. In 1295 he called a parliament to counsel with him on the affairs of the realm, but with the large statesmanship which distinguished him he took this occasion of giving the parliament a shape and organization which has left its assembly the most important event in English history.

277. To realize its importance we must briefly review the changes by which the Great Council of the Norman kings had been gradually transforming itself into what was henceforth to be known as the English parliament. Neither the meeting of the Wise Men before the conquest, nor the Great Council of the barons after it, had been in any legal or formal way representative bodies. The first theoretically included all free-holders of land, but it shrank at an early time into a gathering of earls, higher nobles, and bishops, with the officers and thegns of the royal household. Little change was made in the composition of this assembly by the conquest, for the Great Council of the Norman kings was supposed to include all tenants who held directly of the crown, the bishops and greater abbots (whose character as independent spiritual members tended more and more to merge in their position as barons), and the high officers of the court. But though its composition remained the same, the character of the assembly was essentially altered; from a free gathering of "Wise Men" it sank to a royal court of feudal vassals. Its functions, too, seem to have become al-

most nominal and its powers to have been restricted to the sanctioning, without debate or possibility of refusal, all grants demanded from it by the crown. But nominal as such a sanction might be, the "counsel and consent" of the Great Council was necessary for the legal validity of every considerable fiscal or political measure. Its existence, therefore, remained an effectual protest against the imperial theories advanced by the lawyers of Henry the Second, which declared all legislative power to reside wholly in the sovereign. It was, in fact, under Henry that these assemblies became more regular, and their functions more important. The reforms which marked his reign were issued in the Great Council, and even financial matters were suffered to be debated there. But it was not till the grant of the Great Charter that the powers of this assembly over taxation were formally recognized, and the principle established that no burden beyond the customary feudal aids might be imposed "save by the Common Council of the realm."

278. The same document first expressly regulated its form. In theory, as we have seen, the Great Council consisted of all who held land directly of the crown. But the same causes which restricted attendance at the Witenagemote to the greater nobles told on the actual composition of the council of barons. While the attendance of the ordinary tenants in chief, the knights or "lesser barons" as they were called, was burdensome from its expense to themselves, their numbers and their dependence on the higher nobles made the assembly of these knights

dangerous to the crown. As early, therefore, as the time of Henry the First we find a distinction recognized between the "greater barons," of whom the council was usually composed, and the "lesser barons" who formed the bulk of the tenants of the crown. But though the attendance of the latter had become rare, their right of attendance remained intact. While enacting that the prelates and greater barons should be summoned by special writs to each gathering of the council, a remarkable provision of the Great Charter orders a general summons to be issued through the sheriff to all direct tenants of the crown. The provision was probably intended to rouse the lesser baronage to the exercise of rights which had practically passed into desuetude, but as the clause is omitted in later issues of the charter we may doubt whether the principle it embodied ever received more than a very limited application. There are traces of the attendance of a few of the lesser knighthood, gentry perhaps of the neighborhood where the assembly was held, in some of its meetings under Henry the Third, but till a late period in the reign of his successor the Great Council practically remained a gathering of the greater barons, the prelates, and the high officers of the crown.

279. The change which the Great Charter had failed to accomplish was now, however, brought about by the social circumstances of the time. One of the most remarkable of these was a steady decrease in the number of the greater nobles. The bulk of the earldoms had already lapsed to the

crown through the extinction of the families of their possessors; of the greater baronies, many had practically ceased to exist by their division among female co-heiresses, many through the constant struggle of the poorer nobles to rid themselves of their rank by a disclaimer, so as to escape the burden of higher taxation and attendance in parliament which it involved. How far this diminution had gone, we may see from the fact that hardly more than a hundred barons sat in the earlier councils of Edward's reign. But while the number of those who actually exercised the privilege of assisting in parliament was rapidly diminishing, the numbers and wealth of the "lesser baronage," whose right of attendance had become a mere constitutional tradition, was as rapidly increasing. The long peace and prosperity of the realm, the extension of its commerce, and the increased export of wool, were swelling the ranks and incomes of the country gentry as well as of the freeholders and substantial yeomanry. We have already noticed the effects of the increase of wealth in begetting a passion for the possession of land which makes this reign so critical a period in the history of the English freeholder; but the same tendency had to some extent existed in the preceding century, and it was a consciousness of the growing importance of this class of rural proprietors which induced the barons at the moment of the Great Charter to make their fruitless attempt to induce them to take part in the deliberations of the Great Council. But while the barons desired their presence as an aid against the crown, the crown itself

desired it as a means of rendering taxation more efficient. So long as the Great Council remained a mere assembly of magnates it was necessary for the king's ministers to treat separately with the other orders of the state as to the amount and assessment of their contributions. The grant made in the Great Council was binding only on the barons and prelates who made it; but before the aids of the boroughs, the church, or the shires could reach the royal treasury, a separate negotiation had to be conducted by the officers of the exchequer with the reeves of each town, the sheriff and shire court of each county, and the archdeacons of each diocese. Bargains of this sort would be the more tedious and disappointing as the necessities of the crown increased in the later years of Edward, and it became a matter of fiscal expediency to obtain the sanction of any proposed taxation through the presence of these classes in the Great Council itself.

280. The effort, however, to revive the old personal attendance of the lesser baronage, which had broken down half a century before, could hardly be renewed at a time when the increase of their numbers made it more impracticable than ever; but a means of escape from this difficulty was fortunately suggested by the very nature of the court through which alone a summons could be addressed to the landed knighthood. Amidst the many judicial reforms of Henry or Edward, the shire court remained unchanged. The haunted mound or the immemorial oak round which the assembly gathered (for the court was often held in the open air) were the relics

of a time before the free kingdom had sunk into a shire and its meetings of the wise into a county court. But save that the king's reeve had taken the place of the king, and that the Norman legislation had displaced the bishop and set four coroners by the sheriff's side, the gathering of the freeholders remained much as of old. The local knighthood, the yeomanry, the husbandmen of the county, were all represented in the crowd that gathered round the sheriff, as guarded by his liveried followers he published the king's writs, announced his demand of aids, received the presentment of criminals and the inquest of the local jurors, assessed the taxation of each district, or listened solemnly to appeals for justice, civil and criminal, from all who held themselves oppressed in the lesser courts of the hundred or the soke. It was in the county court alone that the sheriff could legally summon the lesser baronage to attend the Great Council, and it was in the actual constitution of this assembly that the crown found a solution of the difficulty which we have stated. For the principle of representation by which it was finally solved was coeval with the shire court itself. In all cases of civil or criminal justice the twelve sworn assessors of the sheriff, as members of a class, though not formally deputed for that purpose, practically represented the judicial opinion of the county at large. From every hundred came groups of twelve sworn deputies, the "jurors" through whom the presentments of the district were made to the royal officer, and with whom the assessment of its share in the general taxation was arranged. The

husbandmen on the outskirts of the crowd, clad in the brown smock frock which still lingers in the garb of our carters and plowmen, were broken up into little knots of five, a reeve and four assistants, each of which knots formed the representative of a rural township. If, in fact, we regard the shire courts as lineally the descendants of our earliest English witenagemotes, we may justly claim the principle of parliamentary representation as among the oldest of our institutions.

281. It was easy to give this principle a further extension by the choice of representatives of the lesser barons in the shire courts to which they were summoned; but it was only slowly and tentatively that this process was applied to the reconstruction of the Great Council. As early as the close of John's reign there are indications of the approaching change in the summons of "four discreet knights" from every county. Fresh need of local support was felt by both parties in the conflict of the succeeding reign, and Henry and his barons alike summoned knights from each shire "to meet on the common business of the realm." It was no doubt with the same purpose that the writs of Earl Simon ordered the choice of knights in each shire for his famous parliament of 1265. Something like a continuous attendance may be dated from the accession of Edward, but it was long before the knights were regarded as more than local deputies for the assessment of taxation, or admitted to a share in the general business of the Great Council. The statute "*Quia Emptores*," for instance, was passed in it be-

fore the knights who had been summoned could attend. Their participation in the deliberative power of parliament, as well as their regular and continuous attendance, dates only from the parliament of 1295. But a far greater constitutional change in their position had already taken place through the extension of electoral rights to the freeholders at large. The one class entitled to a seat in the Great Council was, as we have seen, that of the lesser baronage; and it was of the lesser baronage alone that the knights were in theory the representatives. But the necessity of holding their election in the county court rendered any restriction of the electoral body physically impossible. The court was composed of the whole body of freeholders, and no sheriff could distinguish the "aye, aye" of the yeoman from the "aye, aye" of the lesser baron. From the first moment, therefore, of their attendance, we find the knights regarded not as mere representatives of the baronage, but as knights of the shire, and by this silent revolution the whole body of the rural freeholders were admitted to a share in the government of the realm.

282. The financial difficulties of the crown led to a far more radical revolution in the admission into the Great Council of representatives from the boroughs. The presence of knights from each shire was the recognition of an older right, but no right of attendance or share in the national "council and assent" could be pleaded for the burgesses of the towns. On the other hand the rapid development of their wealth made them every day more important

as elements in the national taxation. From all payment of the dues or fines exacted by the king as the original lord of the soil on which they had in most cases grown up, the towns had long since freed themselves by what was called the purchase of the "farm of the borough;" in other words, by the commutation of these uncertain dues for a fixed sum paid annually to the crown and apportioned by their own magistrates among the general body of the burghers. All that the king legally retained was the right enjoyed by every great proprietor of levying a corresponding taxation on his tenants in demesne under the name of "a free aid" whenever a grant was made for the national necessities by the barons of the Great Council. But the temptation of appropriating the growing wealth of the mercantile class proved stronger than legal restrictions, and we find both Henry the Third and his son assuming the right of imposing taxes at pleasure and without any authority from the council even over London itself. The burgesses could refuse, indeed, the invitation to contribute to the "free aids" demanded by the royal officers, but the suspension of their markets or trading privileges brought them in the end to submission. Each of these "free aids," however, had to be extorted after a long wrangle between the borough and the officers of the exchequer; and if the towns were driven to comply with what they considered an extortion, they could generally force the crown, by evasions and delays, to a compromise and abatement of its original demands.

283. The same financial reasons therefore existed

for desiring the presence of borough representatives in the Great Council as existed in the case of the shires; but it was the genius of Earl Simon which first broke through the older constitutional tradition and summoned two burgesses from each town to the Parliament of 1265. Time had indeed to pass before the large and statesmanlike conception of the great patriot could meet with full acceptance. Through the earlier part of Edward's reign we find a few instances of the presence of representatives from the towns, but their scanty numbers and the irregularity of their attendance show that they were summoned rather to afford financial information to the Great Council than as representatives in it of an estate of the realm. But every year pleaded stronger and stronger for their inclusion, and in the parliament of 1295 that of 1265 found itself at last reproduced. "It was from me that he learnt it," Earl Simon had cried, as he recognized the military skill of Edward's onset at Evesham; "it was from me that he learnt it," his spirit might have exclaimed as he saw the king gathering at last two burgesses "from every city, borough, and leading town" within his realm to sit side by side with the knights, nobles, and barons of the Great Council. To the crown the change was from the first an advantageous one. The grants of subsidies by the burgesses in parliament proved more profitable than the previous extortions of the exchequer. The proportions of their grant generally exceeded that of the other estates. Their representatives, too, proved far more compliant with the royal will than the barons or knights of the

shire; only on one occasion during Edward's reign did the burgesses waver from their general support of the crown.

284. It was easy indeed to control them, for the selection of boroughs to be represented remained wholly in the king's hands, and their numbers could be increased or diminished at the king's pleasure. The determination was left to the sheriff, and at a hint from the royal council a sheriff of Wilts would cut down the number of represented boroughs in his shire from eleven to three, or a sheriff of Bucks declare he could find but a single borough, that of Wycomb, within the bounds of his county. Nor was this exercise of the prerogative hampered by any anxiety on the part of the towns to claim representative privileges. It was hard to suspect that a power before which the crown would have to bow lay in the ranks of soberly-clad traders, summoned only to assess the contributions of their boroughs, and whose attendance was as difficult to secure as it seemed burdensome to themselves and the towns who sent them. The mass of citizens took little or no part in their choice, for they were elected in the county court by a few of the principal burghers deputed for the purpose; but the cost of their maintenance, the two shillings a day paid to the burgess by his town as four were paid to the knight by his county, was a burden from which the boroughs made desperate efforts to escape. Some persisted in making no return to the sheriff. Some bought charters of exemption from the troublesome privilege. Of the 165 who were summoned by Edward the First, more than a

third ceased to send representatives after a single compliance with the royal summons. During the whole time from the reign of Edward the Third to the reign of Henry the Sixth the sheriff of Lancashire declined to return the names of any boroughs at all within that county "on account of their poverty." Nor were the representatives themselves more anxious to appear than their boroughs to send them. The busy country squire and the thrifty trader were equally reluctant to undergo the trouble and expense of a journey to Westminster. Legal measures were often necessary to insure their presence. Writs still exist in abundance such as that by which Walter le Rous is "held to bail in eight oxen and four cart-horses to come before the king on the day specified" for attendance in parliament. But in spite of obstacles such as these, the presence of representatives from the boroughs may be regarded as continuous from the parliament of 1295. As the representation of the lesser barons had widened through a silent change into that of the shire, so that of the boroughs—restricted in theory to those in the royal demesne—seems practically from Edward's time to have been extended to all who were in a condition to pay the cost of their representative's support. By a change as silent within the parliament itself, the burgess, originally summoned to take part only in matters of taxation, was at last admitted to a full share in the deliberations and authority of the other orders of the State.

285. The admission of the burgesses and knights of the shire to the assembly of 1295 completed the

fabric of our representative constitution. The Great Council of the Barons became the parliament of the realm. Every order of the state found itself represented in this assembly, and took part in the grant of supplies, the work of legislation, and in the end the control of government. But though in all essential points the character of parliament has remained the same from that time to this, there were some remarkable particulars in which the assembly of 1295 differed widely from the present parliament at St. Stephen's. Some of these differences, such as those which sprang from the increased powers and changed relations of the different orders among themselves, we shall have occasion to consider at a later time. But a difference of a far more startling kind than these lay in the presence of the clergy. If there is any part in the parliamentary scheme of Edward the First which can be regarded as especially his own, it is his project for the representation of the ecclesiastical order. The king had twice at least summoned its "proctors" to great councils before 1295, but it was then only that the complete representation of the church was definitely organized by the insertion of a clause in the writ which summoned a bishop to parliament, requiring the personal attendance of all archdeacons, deans, or priors of cathedral churches, of a proctor for each cathedral chapter, and two for the clergy within his diocese. The clause is repeated in the writs of the present day, but its practical effect was foiled almost from the first by the resolute opposition of those to whom it was addressed. What the towns failed in doing

the clergy actually did. Even when forced to comply with the royal summons, as they seem to have been forced during Edward's reign, they sat jealously by themselves, and their refusal to vote supplies in any but their own provincial assemblies, or convocations, of Canterbury and York, left the crown without a motive for insisting on their continued attendance. Their presence, indeed, though still at times granted on some solemn occasions, became so pure a formality that by the end of the fifteenth century it had sunk wholly into desuetude. In their anxiety to preserve their existence as an isolated and privileged order the clergy flung away a power which, had they retained it, would have ruinously hampered the healthy development of the state. To take a single instance, it is difficult to see how the great changes of the reformation could have been brought about had a good half of the house of commons consisted purely of churchmen, whose numbers would have been backed by the weight of their property as possessors of a third of the landed estates of the realm.

286. A hardly less important difference may be found in the gradual restriction of the meetings of parliament to Westminster. The names of Edward's statutes remind us of its convocation at the most various quarters, at Winchester, Acton Burnell, Northampton. It was at a later time that parliament became settled in the straggling village which had grown up in the marshy swamp of the Isle of Thorns beside the palace whose embattled pile towered over the Thames and the new Westminster

which was still rising in Edward's day on the site of the older church of the Confessor. It is possible that, while contributing greatly to its constitutional importance, this settlement of the parliament may have helped to throw into the background its character as a supreme court of appeal. The proclamation by which it was called together invited "all who had any grace to demand of the king in parliament, or any plaint to make of matters which could not be redressed or determined by ordinary course of law, or who had been in any way aggrieved by any of the king's ministers or justices or sheriffs, or their bailiffs, or any other officer, or have been unduly assessed, rated, charged, or surcharged to aids, subsidies, or taxes," to deliver their petitions to receivers who sat in the great hall of the palace of Westminster. The petitions were forwarded to the king's council, and it was probably the extension of the jurisdiction of that body and the rise of the court of chancery which reduced this ancient right of the subject to the formal election of "triers of petitions" at the opening of every new parliament by the house of lords, a usage which is still continued. But it must have been owing to some memory of the older custom that the subject always looked for redress against injuries from the crown or its ministers to the parliament of the realm.

287. The subsidies granted by the parliament of 1295 furnished the king with the means of warfare with both Scotland and France, while they assured him of the sympathy of his people in the contest. But from the first the reluctance of Edward to enter

on the double war was strongly marked. The refusal of the Scotch baronage to obey his summons had been followed on Balliol's part by two secret steps which made a struggle inevitable—by a request to Rome for absolution from his oath of fealty, and by a treaty of alliance with Philip the Fair. As yet, however, no open breach had taken place, and while Edward in 1296 summoned his knighthood to meet him in the north, he called a parliament at Newcastle in the hope of bringing about an accommodation with the Scot king. But all thought of accommodation was roughly ended by the refusal of Balliol to attend the parliament, by the rout of a small body of English troops, and by the Scotch investment of Carlisle. Taken as he was by surprise, Edward showed at once the vigor and rapidity of his temper. His army marched upon Berwick. The town was a rich and well-peopled one, and although a wooden stockade furnished its only rampart, the serried ranks of citizens behind it gave little hope of an easy conquest. Their taunts, indeed, stung the king to the quick. As his engineers threw up rough intrenchments for the besieging army the burghers bade him wait till he won the town before he began digging round it. “Kynge Edward,” they shouted, “waune thou havest Berwick, pike thee; waune thou havest gotten, dike thee.” But the stockade was stormed with the loss of a single knight, nearly 8,000 of the citizens were mown down in a ruthless carnage, and a handful of Flemish traders, who held the town-hall stoutly against all assailants, were burned alive in it. The

massacre only ceased when a procession of priests bore the host to the king's presence, praying for mercy. Edward, with a sudden and characteristic burst of tears, called off his troops; but the town was ruined forever, and the greatest merchant city of Northern Britain sank from that time into a petty seaport.

288. At Berwick Edward received Balliol's formal defiance. "Has the fool done this folly?" the king cried in haughty scorn; "if he will not come to us, we will come to him." The terrible slaughter, however, had done its work, and his march northward was a triumphal progress. Edinburgh, Stirling, and Perth opened their gates, Bruce joined the English army, and Balliol himself surrendered, and passed without a blow, from his throne to an English prison. No further punishment, however, was exacted from the prostrate realm. Edward simply treated it as a fief, and declared its forfeiture to be the legal consequence of Balliol's treason. It lapsed, in fact, to its suzerain; and its earls, barons, and gentry swore homage in parliament at Berwick to Edward as their king. The sacred stone on which its older sovereigns had been installed, an oblong block of limestone, which legend asserted to have been the pillow of Jacob, as angels ascended and descended upon him, was removed from Scone and placed in Westminster by the shrine of the Confessor. It was inclosed by Edward's order in a stately seat, which became from that hour the coronation chair of the English kings. To the king himself the whole business must have seemed another and easier

conquest of Wales, and the mercy and just government which had followed his first success, followed his second also. The government of the new dependency was intrusted to John of Warenne, Earl of Surrey, at the head of an English council of regency. Pardon was freely extended to all who had resisted the invasion, and order and public peace were rigidly enforced.

289. But the triumph, rapid and complete as it was, had more than exhausted the aids granted by the parliament. The treasury was utterly drained. The struggle, indeed, widened as every month went on; the costly fight with the French in Gascony called for supplies, while Edward was planning a yet costlier attack on Northern France, with the aid of Flanders. Need drove him on his return from Scotland in 1297 to measures of tyrannical extortion which seemed to recall the times of John. His first blow fell on the church. At the close of 1294 he had already demanded half their annual income from the clergy, and so terrible was his wrath at their resistance that the dean of St. Paul's, who stood forth to remonstrate, dropped dead of sheer terror at his feet. "If any oppose the king's demand," said a royal envoy in the midst of the convocation, "let him stand up that he may be noted as an enemy to the king's peace." The outraged churchmen fell back on an untenable plea that their aid was due solely to Rome, and alleged the bull of "Clericis Laicos," issued by Boniface the Eighth at this moment, a bull which forbade the clergy to pay secular taxes from their ecclesiastical revenues, as a

ground for refusing to comply with further taxation. In 1297 Archbishop Winchelsea refused on the ground of this bull to make any grant, and Edward met his refusal by a general outlawry of the whole order. The king's courts were closed, and all justice denied to those who refused the king aid. By their actual plea the clergy had put themselves formally in the wrong, and the outlawry soon forced them to submission; but their aid did little to recruit the exhausted treasury. The pressure of the war steadily increased, and far wider measures of arbitrary taxation were needful to equip an expedition which Edward prepared to lead in person to Flanders. The country gentlemen were compelled to take up knighthood, or to compound for exemption from the burdensome honor, and forced contributions of cattle and corn were demanded from the counties. Edward no doubt purposed to pay honestly for these supplies, but his exactions from the merchant class rested on a deliberate theory of his royal rights. He looked on the customs as levied absolutely at his pleasure, and the export duty on wool—now the staple produce of the country—was raised to six times its former amount. Although he infringed no positive provision of charter or statute in his action, it was plain that his course really undid all that had been gained by the Barons' war. But the blow had no sooner been struck than Edward found stout resistance within his realm. The barons drew together and called a meeting for the redress of their grievances. The two greatest of the English nobles, Humfrey de Bohun, Earl of Hereford, and Roger

Bigod, Earl of Norfolk, placed themselves at the head of the opposition. The first was constable, the second earl-marshal, and Edward bade them lead a force to Gascony as his lieutenants while he himself sailed to Flanders. Their departure would have left the baronage without leaders, and the two earls availed themselves of a plea that they were not bound to foreign service save in attendance on the king to refuse obedience to the royal orders. "By God, sir earl," swore the king to the earl-marshal, "you shall either go or hang!" "By God, sir king," was the cool reply, "I will neither go nor hang!" Both parties separated in bitter anger; the king to seize fresh wool, to outlaw the clergy, and to call an army to his aid; the barons to gather in arms, backed by the excommunication of the primate. But the strife went no further than words. Ere the parliament he had convened could meet, Edward had discovered his own powerlessness; Winchelsey offered his mediation; and Edward confirmed the Great Charter and the charter of forests as the price of a grant from the clergy and a subsidy from the commons. With one of those sudden revulsions of feeling of which his nature was capable, the king stood before his people in Westminster Hall and owned, with a burst of tears, that he had taken their substance without due warrant of law. His passionate appeal to their loyalty wrested a reluctant assent to the prosecution of the war, and in August Edward sailed for Flanders, leaving his son regent of the realm. But the crisis had taught the need of further securities against the royal power, and as Edward

was about to embark the barons demanded his acceptance of additional articles to the charter, expressly renouncing his right of taxing the nation without its own consent. The king sailed without complying, but Winchelsey joined the two earls and the citizens of London in forbidding any levy of supplies till the Great Charter with these clauses was again confirmed, and the trouble in Scotland, as well as the still pending strife with France, left Edward helpless in the barons' hands. The Great Charter and the charter of the forests were solemnly confirmed by him at Ghent in November; and formal pardon was issued to the Earls of Hereford and Norfolk.

290. The confirmation of the charter, the renunciation of any right to the exactions by which the people were aggrieved, the pledge that the king would no more take "such aids, tasks, and prizes but by common assent of the realm," the promise not to impose on wool any heavy customs or "mâletot" without the same assent was the close of the great struggle which had begun at Runnymede. The clauses so soon removed from the Great Charter were now restored; and evade them as they might, the kings were never able to free themselves from the obligation to seek aid solely from the general consent of their subjects. It was Scotland which had won this victory for English freedom. At the moment when Edward and the earls stood face to face the king saw his work in the north suddenly undone. Both the justice and the injustice of the new rule proved fatal to it. The wrath of the Scots, al-

ready kindled by the intrusion of English priests into Scotch livings and by the grant of lands across the border to English barons, was fanned to fury by the strict administration of law and the repression of feud and cattle-lifting. The disbanding, too, of troops, which was caused by the penury of the royal exchequer, united with the license of the soldiery who remained to quicken the national sense of wrong. The disgraceful submission of their leaders brought the people themselves to the front. In spite of a hundred years of peace the farmer of Fife or the Lowlands and the artisan of the towns remained stout-hearted Northumbrian Englishmen. They had never consented to Edward's supremacy, and their blood rose against the insolent rule of the stranger. The genius of an outlaw knight, William Wallace, saw in their smoldering discontent a hope of freedom for his country, and his daring raids on outlying parties of the English soldiery roused the country at last into revolt.

291. Of Wallace himself, of his life or temper, we know little or nothing; the very traditions of his gigantic stature and enormous strength are dim and unhistorical. But the instinct of the Scotch people has guided it aright in choosing him for its national hero. He was the first to assert freedom as a national birthright, and amid the despair of nobles and priests to call the people itself to arms. At the head of an army drawn principally from the coast districts north of the Tay, which were inhabited by a population of the same blood as that of the Lowlands, Wallace in September, 1297, encamped near Stirling, the

pass between the north and the south, and awaited the English advance. It was here that he was found by the English army. The offers of John of Warenne were scornfully rejected. "We have come," said the Scottish leader, "not to make peace, but to free our country." The position of Wallace behind a loop of Forth was, in fact, chosen with consummate skill. The one bridge which crossed the river was only broad enough to admit two horsemen abreast; and though the English army had been passing from daybreak, but half its force was across at noon, when Wallace closed on it and cut it, after a short combat, to pieces in sight of its comrades. The retreat of the Earl of Surrey over the border left Wallace head of the country he had freed, and for a few months he acted as "guardian of the realm" in Balliol's name, and headed a wild foray into Northumberland, in which the barbarous cruelties of his men left a bitter hatred behind them which was to wreak its vengeance in the later bloodshed of the war. His reduction of Stirling Castle at last called Edward to the field. In the spring of 1298 the king's diplomacy had at last wrung a truce for two years from Philip the Fair; and he at once returned to England to face the troubles in Scotland. Marching northward with a larger host than had ever followed his banner, he was enabled by treachery to surprise Wallace as he fell back to avoid an engagement, and to force him on the 22d of July to battle near Falkirk. The Scotch force consisted almost wholly of foot, and Wallace drew up his spearmen in four great hollow circles or squares,

the outer ranks kneeling and the whole supported by bowmen within, while a small force of horse were drawn up as a reserve in the rear. It was the formation of Waterloo, the first appearance in our history since the day of Senlac of "that unconquerable British infantry" before which chivalry was destined to go down. For a moment it had all Waterloo's success. "I have brought you to the ring, hop (dance) if you can," are words of rough humor that reveal the very soul of the patriot leader, and the serried ranks answered well to his appeal. The Bishop of Durham, who led the English van, shrank wisely from the look of the squares. "Back to your mass, bishop," shouted the reckless knights behind him, but the body of horse dashed itself vainly on the wall of spears. Terror spread through the English army, and its Welsh auxiliaries drew off in a body from the field. But the generalship of Wallace was met by that of the king. Drawing his bowmen to the front, Edward riddled the Scottish ranks with arrows, and then hurled his cavalry afresh on the wavering line. In a moment all was over; the maddened knights rode in and out of the broken rank slaying without mercy. Thousands fell on the field, and Wallace himself escaped with difficulty, followed by a handful of men.

292. But, ruined as the cause of freedom seemed, his work was done. He had roused Scotland into life, and even a defeat like Falkirk left her unconquered. Edward remained master only of the ground he stood on: want of supplies forced him at last to retreat; and in the summer of the following

year, 1299, when Balliol, released from his English prison, withdrew into France, a regency of the Scotch nobles under Robert Bruce and John Comyn continued the struggle for independence. Troubles at home and danger from abroad stayed Edward's hand. The barons still distrusted his sincerity, and though at their demand he renewed the confirmation in the spring of 1299, his attempt to add an evasive clause, saving the right of the crown, proved the justice of their distrust. In spite of a fresh and unconditional renewal of it, a strife over the forest charter went on till the opening of 1301, when a new gathering of the barons in arms, with the support of Archbishop Winchelsey, wrested from him its full execution. What aided freedom within was as of old the peril without. France was still menacing, and a claim advanced by Pope Boniface the Eighth, at its suggestion, to the feudal superiority over Scotland arrested a new advance of the king across the border. A quarrel, however, which broke out between Philip Le Bel and the Papacy removed all obstacles. It enabled Edward to defy Boniface and to wring from France a treaty in which Scotland was abandoned. In 1304 he resumed the work of invasion, and again the nobles flung down their arms as he marched to the north. Comyn at the head of the regency acknowledged his sovereignty, and the surrender of Stirling completed the conquest of Scotland. But the triumph of Edward was only the prelude to the carrying out of his designs for knitting the two countries together by a generosity and wisdom which reveal the greatness of his statesman-

ship. A general amnesty was extended to all who had shared in the resistance. Wallace, who refused to avail himself of Edward's mercy, was captured and condemned to death at Westminster on charges of treason, sacrilege, and robbery. The head of the great patriot, crowned in mockery with a circlet of laurel, was placed upon London bridge. But the execution of Wallace was the one blot on Edward's clemency. With a masterly boldness he intrusted the government of the country to a council of Scotch nobles, many of whom were freshly pardoned for their share in the war, and anticipated the policy of Cromwell by allotting ten representatives to Scotland in the common parliament of his realm. A convocation was summoned at Perth for the election of these representatives, and a great judicial scheme which was promulgated in this assembly adopted the amended laws of King David as the base of a new legislation, and divided the country for judicial purposes into four districts, Lothian, Galloway, the Highlands, and the lands between the Highlands and the Forth, at the head of each of which were placed two justiciaries, the one English and the other Scotch.

293. With the conquest and settlement of Scotland the glory of Edward seemed again complete. The bitterness of his humiliation at home still preyed upon him, and in measure after measure we see his purpose of renewing the strife with the baronage. In 1303 he found a means of evading his pledge to levy no new taxes on merchandise save by assent of the realm in a consent of the foreign merchants, whether procured by royal pressure or no, to pur-

chase by stated payments certain privileges of trading. In this "new custom" lay the origin of our import duties. A formal absolution from his promises which he obtained from Pope Clement the Fifth in 1305, showed that he looked on his triumph in the north as enabling him to reopen the questions which he had yielded. But again Scotland stayed his hand. Only four months had passed since its submission, and he was preparing for a joint parliament of the two nations at Carlisle, when the conquered country suddenly sprang again to arms. Its new leader was Robert Bruce, a grandson of one of the original claimants of the crown. The Norman house of Bruce formed a part of the Yorkshire baronage, but it had acquired through intermarriages the earldom of Carrick and the lordship of Annandale. Both the claimant and his son had been pretty steadily on the English side in the contest with Balliol and Wallace, and Robert had himself been trained in the English court and stood high in the king's favor. But the withdrawal of Balliol gave a new force to his claims upon the crown, and the discovery of an intrigue which he had set on foot with the Bishop of St. Andrews so roused Edward's jealousy that Bruce fled for his life across the border. Early in 1306 he met Comyn, the lord of Badenoch, to whose treachery he attributed the disclosure of his plans, in the church of the Gray Friars at Dumfries, and after the interchange of a few hot words struck him with his dagger to the ground. It was an outrage that admitted of no forgiveness, and Bruce for very safety was forced to

assume the crown six weeks after in the Abbey of Scone. The news roused Scotland again to arms, and summoned Edward to a fresh contest with his unconquerable foe. But the murder of Comyn had changed the king's mood to a terrible pitilessness. He threatened death against all concerned in the outrage, and exposed the Countess of Buchan, who had set the crown on Bruce's head, in a cage or open chamber built for the purpose in one of the towers of Berwick. At the solemn feast which celebrated his son's knighthood Edward vowed on the swan which formed the chief dish at the banquet to devote the rest of his days to exact vengeance from the murderer himself. But even at the moment of the vow Bruce was already flying for his life to the western islands. "Henceforth," he said to his wife at their coronation, "thou art queen of Scotland and I king." "I fear," replied Mary Bruce, "we are only playing at royalty like children in their games." The play was soon turned into bitter earnest. A small English force under Aymer de Valence sufficed to rout the disorderly levies which gathered round the new monarch, and the flight of Bruce left his followers at Edward's mercy. Noble after noble was sent to the block. The Earl of Athole pleaded kindred with royalty. "His only privilege," burst forth the king, "shall be that of being hanged on a higher gallows than the rest." Knights and priests were strung up side by side by the English justiciaries; while the wife and daughters of Robert Bruce were flung into Edward's prisons. Bruce himself had offered to capitulate to Prince Edward. But

the offer only roused the old king to fury. "Who is so bold," he cried, "as to treat with our traitors without our knowledge?" and rising from his sick bed he led his army northward in the summer of 1307 to complete the conquest. But the hand of death was upon him, and in the very sight of Scotland the old man breathed his last at Burgh-upon-Sands.

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